

THE LAW AND HUMAN RIGHTS: IS THE LAW A MERE PARCHMENT BARRIER
TO HUMAN RIGHTS ABUSE?

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This study is the first systematic global analysis of the impact of law on human rights, analyzing the impact of twenty-three constitution provisions and an international covenant on three measures of human rights behavior, over the period of 1976-1996. Three sets of constitutional provisions are analyzed, including 1) ten provisions for individual freedoms and due process rights, 2) nine provisions for elements of judicial independence and 3) four provisions that outline procedures for states of emergency. Additionally, the impact of the International Covenant on Civil and Political Rights on actual human rights behavior is analyzed. Each of these areas of law are evaluated individually, in multiple models in which different elements vary. For example, some models control for democracy with different measures, others divide the data into the Cold War and post-Cold War eras, and some test constitutional indices. Finally, all provisions are simultaneously analyzed in integrated models

Provisions for fair and public trials are consistently shown to decrease the probability of abuse. An index of four freedoms (speech, religion, association, and assembly) decreases the probability of abuse somewhat consistently. Three of the provisions for judicial independence are most consistent in reducing the probability of abuse: the provisions for exclusive judicial authority, for the finality of judges' decisions, and banning exceptional courts. Two of four states of emergency provisions decrease abuse as international lawyers have argued: the provisions for legislative declaration of

the emergency and the ban against dissolving the legislature during an emergency.

However, two of the provisions are shown to hurt human rights practices: the duration and the derogation provisions. The International Covenant on Civil and Political Rights does not demonstrate a statistically significant impact. While the performance of the constitutional provisions is less than legal scholars would hope, their combined impact over time are shown to be quite large, relative to the impacts of other factors shown to affect human rights abuse.

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CHAPTER 1

Introduction

The potential for improved global human rights has rarely appeared as promising as it has in the last decade of this century. The fall of the Soviet Union and the spread of constitutional democracies across the globe has followed upon a period of near-global acceptance of international human rights standards (set forth in the Universal Declaration of Human Rights) and widespread participation in international documents that legally bind states to many of these human rights standards. For some scholars and commentators, this proliferation of legal protections has heightened expectations for improved human rights protections in these countries. Still, others remain skeptical--doubting state commitment to these documents and questioning the effectiveness of these legal document's mechanisms. While global efforts continue to expand the protection of human rights through law, few attempts have been made to systematically assess the actual impact of law (and its specific components) on state human rights behavior. Such analysis would allow us not only to identify which elements of law work, but also would allow us to determine under what circumstances or conditions, these elements work best.

Additionally, this analysis would make an important contribution to the growing body of literature that seeks to explain political repression broadly, and even more directly, this analysis would expand upon the body of literature that seeks to explain the

abuse of the human right to personal integrity (Rasler 1986; Mitchell and McCormick 1988; Davis and Ward 1990; Ward and Davis 1990; Henderson 1991, 1993; Poe and Tate 1994; Davenport 1995, 1996; Poe, Tate, Keith, and Lanier 1996; Gartner and Regan 1996; Poe, Tate, and Keith 1999; and Cingranelli and Blasi 1996). This body of literature is rather unique among political science in that it contains a normative goal, lessening personal integrity abuses, that is tightly intertwined with one of Easton's (1962) objectives for good behavioral science--that research be useful "in the solution of urgent practical problems of society" (6-7). The analysis of these legal factors are highly relevant to national and international policymakers in that they represent elements of political life that are more manipulatable than other factors known to impact human rights abuse, such as economic development, population size, colonial experience, and international war (Henderson 1991, 1993; Mitchell and McCormick 1988; Poe and Tate 1994; Davenport 1995, 1996; Poe, Tate, and Keith 1996).

This study tests the impact of law on personal integrity abuse. Specifically, the study tests whether particular constitutional protections of human rights translate into actual protection of personal integrity. Additionally, the study tests whether additional constitutional provisions that are not **directly** targeted at human rights, such as judicial/constitutional review or an independent judiciary, are necessary to fully implement the constitutional protection of human rights. The study also includes analysis of another set of constitutional provisions that may either facilitate or curb a regime's proclivity toward human rights abuses--states of emergency clauses. Finally, the study

examines the impact of the international treaty that most strongly prohibits the abuse of personal integrity--the International Covenant on Civil and Political Rights.

Because I believe that each of these dimensions of laws individually have theoretical and practical importance and because the measures of the independent variables themselves are theoretically important, I analyze fully each set of hypotheses in a separate chapter and then culminate the study in a final set of analyses that includes multivariate analysis, path analysis, and analysis of interaction effects. Chapter One is the introductory chapter and includes a general literature review, a discussion of the research design and methodologies, and an overview of the data set. Each of the following chapters includes a review of literature that is relevant to chapter's topic, the specific hypotheses, operationalization of chapter-specific variables and the data sources. Bills of rights and constitutional protections of individual rights are analyzed in Chapter Two and constitutional provisions for judicial independence and constitutional review are analyzed in Chapter Three. Chapter Four looks at constitutional provisions for states of emergency and the impact of actual emergencies and threats. Chapter Five focuses on international law, examining the impact of the International Covenant on Civil and Political Rights. I conclude the study with an integrated model in Chapter Six and a discussion of implications and the direction of future study in Chapter Seven.

The Law And Human Rights

Trends toward constitutionalism: Howard (1991) suggests that as we near the end of this century, almost every country has promulgated some document called a constitution. As of March 1997, *Constitutions of the Countries of the World* (Flanz

1997) had documented approximately 184 national constitutions. Most of these constitutions are new creations. Blaustein (1993) notes that over two-thirds of the world's constitutions were written after 1970 and that only six constitutions remain that were written prior to the 20th century. He also finds more than one hundred states with written bills of rights. Some of these bills of rights surpass even that of the United States in depth and breadth of their protections (see Schwarzer 1994). Blaustein concludes that constitutions have become "the only fixture of modern government to be universally accepted" (70-1).

For many this trend toward constitutional law represents substantial progress and engenders considerable potential for future human rights protection. Certainly for the United States, the institutionalization of the rule of law (and building an independent judiciary) has been and continues to be a direct goal of U.S. democracy assistance (for example, see the comments of Secretary of State Strobe Talbott and Assistant Secretary for Democracy, Human Rights, and Labor, John Shattuck at the press conference releasing the 1997 Country Report on Human Rights, Washington, DC, January 30, 1998). This optimism in constitutionalism may stem from the general belief that best way to safeguard individual freedoms is through "the enumeration of rights and their protection by the judiciary" (Rosenthal 1990, 401). Presumably regimes would be less willing to abuse rights that are clearly and publicly promised to their citizens in a legally binding document and that are supported by constitutional mechanisms, such as an independent judiciary. Even if constitutions do not serve as a charter of these fundamental rights, they may still serve as a "binding statement of a people's aspirations

for themselves as a nation” (Murphy 1993, 10), and ultimately may foster the conditions under which a regime would give into demands for these fundamental protections.

History, of course, has shown that many constitutions, such as those of communist regimes, have often been mere “window dressing” rather than substantive protection for individual human rights. Howard (1991) argues that in many of the world’s countries the constitutions are “worthless scraps of papers” (3). This failure has led some scholars to ask if these new constitutions can become more than the mere “parchment barrier” that James Madison sought to avoid (see Schwarzer 1994, Howard 1991, Furling 1993, Murphy 1993). This question is one that has not been fully examined in a rigorous systematic study.

Trends in international legal protections of human rights: During the fifty years following the signing of the United Nations Charter, the body of international human rights law grew dramatically. The high level of formal acceptance of these international agreements suggests substantial progress in moving toward universal recognition of human rights norms. The development of human rights law goes back to the United Nations Charter, which declares the United Nation's commitment to promote human rights standards. While this document has been accepted by almost all states, the vague language of the articles dealing with human rights and the non-interventionist language of the charter in general severely diminish the Charter's ability to protect human rights. The lack of specificity led to immediate efforts to rectify the problem--the first of which resulted in the Universal Declaration of Human Rights (adopted in 1948 by the General Assembly without any dissenting votes) which simultaneously enumerates a large range

of civil, political, economic, social, and cultural rights. However, this document is not a treaty, but rather only a proclamation of "a common standard of achievement for all peoples and all nations" rather than enforceable legal obligations' (Weston p. 25). Twenty years of work to further specify and clarify Article 55 of the U.N. Charter and the Universal Declaration culminated in two treaties which were opened for signature in 1966 and went into force in 1976: the International Covenant on Civil and Political Rights (and its Optional Protocol) and the International Covenant on Economic, Social, and Cultural Rights. As of January 1998, 140 states had ratified, acceded or succeeded to the International Covenant on Civil and Political Rights and 92 states had ratified or acceded to the Optional Protocol. And as of January 1998, 137 states had ratified or acceded or succeeded to the International Covenant on Economic, Social, and Cultural Rights.¹ Thus, a rather substantial proportion of the world's nation-states (close to three-quarters) have legally recognized a comprehensive set of human rights and pledged to action to protect or provide these rights. These two covenants are not the only efforts to expand upon the Declaration of Human Rights. Other instruments have included a broad range of human rights, from the International Convention on the Elimination of All Forms of Racial Discrimination (1965) and the International Convention on the Suppression and Punishment of the Crime of Apartheid (1976) to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) and the U.N. Slavery Convention (1956). While each of these documents is important in the overall progress of international human rights law the impact of the agreements on actual human rights behavior remains unclear. An optimist would expect that a state's

ratification or ascension to these agreements would signal the state's willingness to be guided by the documents' principles, and an optimist would expect that the monitoring mechanisms of these documents would enhance the states parties' implementation of these rights into national policy. In fact, the effectiveness of these instruments has been questioned by some scholars who emphasize that the monitoring mechanisms are inherently weak and that the instruments primarily serve promotional or socializing functions (Opsahl 1995; Donnelly 1986, 1989, 1993; Ramcharan 1989; Forsythe 1985, 1991; and Robertson 1981). Furthermore, scholars have shown that multiple internal factors contribute to a state's behavior in regard to human rights (for example, see Poe, Tate, and Keith 1999; Poe, Tate, Keith, and Lanier 1996; Davenport 1995, 1996; Poe and Tate 1994; Henderson 1991 and 1993; Mitchell and McCormick 1988). It may be these extra-legal factors, such as civil war or scarcity of economic resources, make compliance with the international agreements difficult for some parties. This question is another one that has not been fully examined in a rigorous systematic study.

EMPIRICAL STUDIES OF THE EFFECTIVENESS OF LEGAL PROTECTIONS OF HUMAN RIGHTS:

Political science has not yet fully explored the question of whether the legal protections of constitutions or international law actually have an impact upon state human rights abuses. While the world's constitutional experts have been busy advising newly independent states and emerging democracies how to best provide constitutional protections to their citizens, it appears that little scientific analysis has been conducted that would support their advise or facilitate the creation of new constitutions.

Boli-Bennett's (1976) bivariate analysis of the association between constitutional rights and human rights violations is the first empirical study I have found. While his study indexes constitutional rights and duties during the period of 1870-1970, his analysis of their impact on human rights is limited to the year 1975 and is only a comparison of means that does not even include a test for statistical significance. He finds little correlation between his human rights violation indices and his indices of rights and duties, with one exception--contrary to expectations he found that the countries that less severely violated human rights were those in which the rights were more constitutionally restricted.² Pritchard's 1986 study is also a bivariate analysis of a single year (1974) of human rights protection. She tests the impact of constitutional promises (a three factor index of civil, socioeconomic, and political rights constructed by Boli-Bennett (1976) on her composite measure of human rights that she creates as a 7-point composite index by averaging 3 measures: Freedom House's Civil and Political Rights indices and a Physical Quality of Life Index (Morris 1979). Pritchard also found results contrary to expectation in that greater constitutional protections led to less human rights protection. However, I think that her results must be viewed with skepticism since there are several problems with her analysis. First, her measures of human rights violations combine civil and political rights with economic rights as a single indicator when theoretically one might expect that these rights are not a single dimension of human rights but rather could be separate and competing dimensions of human rights. Ensuring quality of life may sometimes lead to the restriction of civil and political rights. For example, repressing the rights of civil striking workers (imprisonment, killing, so forth) may protect a struggling

nation's economy and quality of life. Second, the analysis is only bivariate and does not control for the many factors (such as population, democracy, domestic and external threat) that have consistently been shown to impact human rights (Henderson 1991, 1993; Mitchell and McCormick 1988; Poe and Tate 1994; Davenport 1995, 1996; Poe, Tate, and Keith 1996; Poe, Tate, Keith, and Lanier 1999). Third, as Davenport (1996) points out she also did not control for the fact that some constitutions allow rights to be overridden constitutionally.

Blasi and Cingranelli's (1996) study of 75 states' 1993 human rights practices focuses on constitutional provisions, which are not themselves direct promises of freedoms and rights, but rather are institutional provisions that theoretically might be expected to facilitate the provision of human rights: an independent judiciary and a federal system. They construct an index of 9 attributes of judicial independence and find that constitutional provisions for these attributes is associated with actual judicial independence in these states, and in turn, judicial independence is associated with human rights protection. They also find that constitutional provisions for a federal system does in fact correlate with actual federalism in the state, but they do not find a statistically significant relationship between federalism and human rights protection. Overall, their study suggests only a weak direct affect of the constitutional provisions. This study also is a simple bivariate analysis and its analysis is limited to a single year and a sample of only 75 countries.

Davenport's 1996 study of 39 countries over a 35 year period (1948-1982) is the most rigorous and comprehensive analysis to date. He analyzes four components of a

constitution the may affect human rights abuse: 1)constitutional promises that explicitly mention rights, 2) constitutional threats that explicitly limit rights, 3) emergency clauses, and 4) restrictions on emergency suspensions of constitutional rights. Using Taylor and Jodice's (1983) negative sanctions as a measure of human rights abuse, he analyzes the impact of these protections and restrictions while controlling for level of democracy, conflict, and economic development.³ He finds only three (out of fourteen) statistically significant constitutional variables: 1) the constitutional promise of freedom of press reduces the likelihood of negative sanctions, 2) constitutional restriction of press increases the likelihood of negative sanctions, and 3) state of emergency clauses produces a negative impact on negative sanctions. While constitutional provisions clearly produce some impact, the impact is less than would be hoped for. One should still remain cautious in accepting these results are definitive. As Davenport notes, his sample of countries is rather small. The sample is not a representative sample either (for example, South Africa is the only African country included in the sample. Additionally, his analysis predates the post-communist constitutional developments. And finally, it may be that the separate variables of constitutional restrictions and protections of the same rights may share variance and thus may reduce statistical significance of the variables. While the level of scientific study of constitutions and human rights behavior is nascent, the scientific studies of the impact of international law and human rights are non-existent at this time.

Cross's (1999) study of 54-58 countries also focuses on the impact of judicial independence and one constitutional provision (protection against unreasonable searches) upon human rights behavior. In his study he finds that legal provisions do increase the

probability of political rights and the protection against unreasonable searches and seizures. However, there are numerous complications with this study that urge caution when drawing conclusions. First, the dependent variable in the analysis is an average of each country's Freedom House political rights during the 1980s. Averaging across a decade is highly questionable in the area of human rights where there can be great fluctuation from year to year. Second, the dates of his independent and dependent variables are not always for the same period of time, and sometimes it is unclear whether he has averaged the data or whether he is using a single discrete indicator for the entire ten-year period (for example, the presence of war--again either practice is rather problematic for the analysis of human rights abuse). Third, his measure of judicial independence is a subjective rating (Humana (1992) that provides absolutely no operationalization of the concept of judicial independence, so we cannot be clear what the measure actually indicates. In fact, I could not even tell if he was talking about actual judicial independence or formal judicial independence as indicated in constitutions or statutory law. Finally, his study is limited to small sample of countries that is not necessarily representative of the global set of countries. My study makes an attempt to fill in some of these gaps by thoroughly examining these empirical questions.

RESEARCH DESIGN AND MODEL

I have built a data set that is pooled across both time (1976-1996) and space (between 154 and 178 nation-states, depending upon the year). Political scientists such as Stimson (1985) have noted that this design "can be an extraordinarily robust research design, allowing for the study of causal dynamics across multiple cases, where the

potential cause may even appear at different times in different cases" (p. 916). The pooled cross sectional design eliminates the small N problem of many comparative studies, producing in this case a data set with an N of 3207-3220 country-years. A couple of statistical problems are inherent in this particular design--the threat of heteroscedasticity from the unit effects and the threat of autocorrelation from the time dimension, both of which may lead to the problem of unreliable tests of statistical significance and inferences (see Beck and Katz 1995; Ostrom 1990; and Stimson 1985). To deal with the problem of heteroscedasticity I use Beck and Katz's panel corrected standard errors (Beck and Katz 1995; Beck et al. 1993), a variation of White's (1980) robust standard errors that was developed by Beck and Katz to deal with heteroscedasticity in pooled cross-sectional data. To deal with the problem of autocorrelation, I have also included a lagged dependent variable to correct for autocorrelation (Beck and Katz 1995).⁴ As I have already mentioned, each chapter's analysis looks at a narrow set of theoretically related hypotheses and examines those questions in a multivariate model that controls for factors already known to influence personal integrity abuse globally. Finally, I examine together in one integrated model the various relationships and their interactions.

Operationalization of Dependent Variable and Control Variables

The key constitution-related independent variables are described in each of the preceding sections. At this point I discuss the dependent variable and the control variables that are employed in each chapter's individual multivariate analyses.

Dependent Variable: In this study I am primarily interested in a narrow set of human rights violations: political imprisonment, torture, and killings or disappearances. While this measure does not cover fully the rights promoted under the international covenants and some constitutions, it does focus on the rights that are considered to be the most 'egregious and severe crimes against humanity,' and the ones that represent abuses that 'are the sort that usually can be avoided' (Poe and Tate 1994, p. 854). And more importantly, this index covers the core rights that would have to be fulfilled in order for the provision of the other rights to be meaningful. A group of political scientists have developed and gathered data for standards-based indices that are believed to be the acceptable measure for this study: Stohl et al.'s Personal Integrity measure (Stohl, Carleton, and Johnson 1984; Stohl and Carleton 1985; Carleton and Stohl 1987; Gibney and Stohl 1988; Henderson 1991, 1993; Poe 1991, 1992; Gibney, Dalton and Vockrell 1992; Poe and Sirirangsi 1993, 1994; Poe and Tate 1994; Poe, Tate, and Keith 1996; and Poe, Tate, Keith and Lanier 1996). These variables (one based on State Department reports and one based on Amnesty International reports) measure the abuse of personal integrity rights on a scale of 1 to 5, with 1 representing states with the least amount of abuse and 5 representing states with the highest level of abuse. The countries are assigned a rating according to the following rules from Gastil (1980):

(1) Countries [are] under a secure rule of law, people are not imprisoned for their views, and torture is rare or exceptional....Political murders are extremely rare.

(2) There is a limited amount of imprisonment for nonviolent activity. However, few persons are affected, torture and beating are exceptional....Political murder is rare.

(3) There is extensive political imprisonment, or a recent history of such imprisonment. Execution or other political murders and brutality may be common. Unlimited detention, with or without trial, for political views is accepted.

(4) The practices of [level 3] are expanded to larger numbers. Murders, disappearances are a common part of life....In spite of its generality, on this level terror affects primarily those who interest themselves in politics or ideas.

(5) The terrors of [level 4] have been expanded to the whole population.... The leaders of these societies place no limits on the means or thoroughness with which they pursue personal or ideological goals.
(Gastil 1980, quoted in Stohl and Carleton, 1985)

These data have been expanded to cover a twenty -one year period, 1976-1996.

Additionally, in this study, I employ a different measure of human rights, the Freedom House Civil Rights index (McColm 1990). This additional analysis provides not only cross validation, but because of the index's much broader set of rights, it also offers a chance to explore the possibility that the conditions under which civil rights are broadly denied may vary from the conditions under which these more severe rights violations occur.⁵

The Freedom House Civil Rights index covers an almost equally extensive set of countries and provide a time frame that is comparable to the personal integrity measure. The Civil Rights index is comprised of a comprehensive list of human rights: equality of rights without discrimination, life, liberty and security of person, protection against slavery, protection against torture and cruel and unusual punishment, protection against arbitrary arrest and detention, hearing before an independent and impartial judiciary, protection of privacy, family, and home, freedom of movement and residence, marry and found a family, freedom of thought, conscience and religion, freedom of opinion,

expression, and the press, freedom of assembly and association, free trade unions, and equal protection of the law. Several of these components relate more directly to the constitutional provisions under study and may therefore offer additional insights. The Freedom House index is measured as a scale of 1 to 7, with 1 representing states with the most freedom.⁶ These indices have been criticized for being impressionistic and imprecise in their criteria (McCamant 1981, 132); however, as Poe and Tate note, Freedom House's statement of criteria has improved in 1980s and more importantly, it is believed that it is the quality of presentation of the criteria that has actually varied rather than the actual criteria, which is believed to have been consistent over the years.

Control Variables: I control for variables that have consistently been shown to affect a regime's likelihood to resort to personal integrity abuse. The theoretical justification for these variables and their operationalization are discussed below.

Political Democracy: Students of political repression have posited three theories which suggest that democracy will decrease a government's use of political repression. First, Henderson (1991) has argued that a higher level of democracy will make a government more responsive to its citizens and thus less likely to repress. Specifically, he argues that the "democratic process, with its emphasis on bargaining and compromise, offers a meaningful alternative to handling conflict" (p.123-4). Second, Poe and Tate (1994) suggest that "democracies provide citizens (at least those with political resources) the tools to oust potentially abusive leaders from office before they are able to become a serious threat" (855). Democratic institutions and procedures, such as popular elections and an independent judiciary, may act both as a preventative and corrective mechanism against

such abuse. Finally, Poe and Tate theorize that "the freedoms that are essential to procedural democracy may make it easier for citizens and opposition leaders to publicize attempts at repression, thereby bringing down on would-be abusive leaders the weight of majority or world opinion" (123-24).

When studying the relationship between human rights and democracy political scientists must carefully define and measure democracy in order to prevent a tautology in describing this relationship. Poe and Tate suggest that in order for democracy to "function as an independent explanation for state terrorism and the abuse of personal integrity, it must be defined in terms or procedures and rights that do not themselves preclude repression" and "must be defined in terms that allow independent operationalization of the concept" (1994, 856). Poe and Tate rely on Bollen's theoretical definition of political democracy which is based on political rights such as fair and binding elections based on universal suffrage and political liberties such as free speech, free press, and freedom of opposition. This definition parallels Huntington (1993), who following Schumpeter (1942), bases his assessment of a democracy upon "the extent that its most powerful collective decision makers are selected through fair, honest, and periodic elections in which candidates freely compete for votes and in which virtually all the adult population is eligible to vote" (7). He argues that this definition *implies* the existence of "those civil and political freedoms to speak, publish, assemble, and organize that are necessary to political debate and the conduct of electoral campaigns" (7).

Poe and Tate suggest that Gurr's institutionalized democracy scores would be an ideal measure. Gurr's Polity III data, which extends his democracy measure through 1993,

is the main democracy measure employed here. Gurr operationalizes institutionalized democracy as an additive ten-point scale which evaluates the competitiveness of political participation in the country, the openness and competitiveness of executive recruitment, and the constraints which are placed on the chief executive (Polity II, 39).⁷ The Gurr measure does have a significant shortcoming in that the data have not been extended beyond 1993, which prevents me from using it for the entire time period under study.

Following Poe and Tate (1994) I conduct a second set of analyses, employing an alternative measure of political democracy, the Freedom House political rights variable. The second analysis serves two purposes. It allows me to test the entire 1976-1996 period and it allows for cross-validation of the impact of political democracy. The Freedom House political rights index is described by McColm as the following criteria:

- whether the people have "the right to vote and compete for public office";
- whether elected representatives "have a decisive vote on public policies";
- whether "the people have a choice in determining the nature of the system and of its leaders";
- whether chief executives and legislative representatives "are elected through free and fair elections";
- whether "there are fair electoral laws, equal campaigning opportunities, fair polling and honest tabulation of ballots";
- whether "voters are able to endow their leaders with real power, or whether unelected elements reduce or supersede this power";
- whether "the system allows "the people to organize in different political parties or other competitive political groupings of their choice" and is "open to the rise and fall of these groups";
- whether citizens are free "from domination by the military, foreign powers, totalitarian parties, religious hierarchies, economic oligarchies or any other powerful group"; and
- whether "cultural, ethnic, religious and other minority groups have

reasonable self-determination, self-government, autonomy or participation through informal consensus in the decision-making process" (McColm 1990, 19-20).

As Poe and Tate point out, this measure is not as ideal as Gurr's democracy measure in that it may overlap slightly with the personal integrity measure because the second to last criterion deals with freedom from domination. Some concern may arise over the relationship between political democracy and some of the variables to be analyzed in chapter two. These concerns are dealt with in that section .

Population Size: Henderson (1993) argues that a large-sized population may severely strain national resources and concomitantly leave the population's needs or expectations unfulfilled. The pressure to deal with these problems may tempt the government "to resort to repression as a coping mechanism" (8). Additionally, Henderson argues that we must control for population size since the laws of probability would dictate that as the number of persons in a country grows so would the number of opportunities for repressive actions. Recent empirical evidence has supported Henderson's hypothesis (Henderson 1993, Poe and Tate 1994; Davenport 1995a; Poe, Tate, and Keith 1999). The natural logarithm of the total national population is used in the model in order to deal with the skewed distribution of the population data.

Economic Development: Expectations concerning economic development follow those of population size. Mitchell and McCormick (1988) and Henderson (1991) argue that social and political tensions related to economic scarcity are likely to increase instability in the poorest countries and thus increase the probability that the regime would use repressive

measures to maintain order; whereas, in wealthier countries the population will be satisfied and will be less likely to present a threat to order that would trigger repressive state action. Empirical evidence consistently has supported these theoretical expectations (Mitchell and McCormick 1988; Davenport 1995; Poe and Tate 1994; and Poe, Tate, and Keith 1999). Economic development is operationalized as the state's per capita GNP (in dollar thousands).

Civil War Experience: A growing body of literature has demonstrated that governments faced with internal threats often resort to political repression to restore order. Although the literature on domestic threats has mainly focused on domestic threat or conflict as a dependent variable (Gurr 1968 and 1970; Feierabend and Feierabend 1972; Gurr and Duvall 1973; Jenkins and Perrow 1977; Tilly 1978; Lichbach and Gurr 1981; and McAdam 1982), recent studies have demonstrated that domestic threat does increase the probability of state repression (Davis and Ward 1990; Alfatooni and Allen 1991; Poe and Tate 1994; Davenport 1995; Poe, Tate, and Keith 1999; and Poe, Tate, Keith, and Lanier 1996). Civil war, which poses the most serious domestic threat, is defined here following Small and Singer's guidelines for identifying instances of civil war: 1) "the government, as the central authority in a country, must be involved as a direct participant in the war" and 2) "there must be effective resistance, that is, either both sides must be 'organized for violent conflict" or "the weaker side, although initially unprepared [must be] able to inflict upon the stronger opponents at least five percent of the number of fatalities is sustains "(Small and Singer, p. 215).

International War Experience: International war is yet another serious threat which may compel regimes to resort to political repression as a tool to maintain domestic order during such a state of emergency (see Gurr 1986). A growing body of empirical evidence has supported this hypothesis (Rasler 1986; Poe and Tate 1994; Poe, Tate, and Keith 1999). International war is operationalized following Small and Singer's guidelines for where an international war in one in which "(1) there was a total of a thousand or more battle deaths suffered by all of the participants in the conflict, [and] (2) the particular country suffered at least a hundred fatalities or had a thousand or more personnel taking part in the hostilities" (1982, p. 50,55).

British Cultural Influence: Mitchell and McCormick argue that the colonial experiences, which shape the political culture of most states, may impact the state's respect for human rights. In particular, they note that British colonial rule is strongly associated with the development of post-colonial democracies; whereas, other colonial experiences that presumably were more authoritarianism may have left a legacy of greater human rights abuse (1988, p. 480). While Mitchell and McCormick found only slight evidence to support their hypothesis and Poe and Tate (1994) found no evidence to support the hypothesis, Poe, Tate, and Keith (1996) did find support for the hypothesis in expanded analysis of personal integrity abuse. Following Mitchell and McCormick, countries that have been territories of Great Britain at some point during their history are coded 1 and all other countries are coded 0.

Military Control: Poe and Tate argue that military regimes are more likely to be repressive since "military juntas are based on force, and force is the key to coercion" (1994,

p. 858). However, the initial evidence of such a relationship has been weak (Poe and Tate 1994; and Poe, Tate, and Keith 1999). Following McKinlay and Cohan, military-controlled regimes are defined as those who come to power “as a consequence of a successful coup d’état, led by the army, navy, or air force, that remained in power with a military person as the chief executive for at least six months in a given year (1975, p.1). A small number of mixed regimes are also included in this category.⁸ All other regimes are considered civilian regimes and were coded 0.

Leftist Regime: Originally, political scientists hypothesized that Marxist-Leninist controlled states would be more willing to use repression to curb threats since their political ideology justified the domination of the polity in the pursuit of an ultimate political goal (Mitchell and McCormick 1988; Poe and Tate 1994; Poe, Tate, and Keith 1999). Initial global analysis supported this hypothesis, but only in the case of abuse as reported by the State Department--a result that seemed to suggest a possible bias in State Department reports rather than a true effect (Poe and Tate 1994). However, when the global analysis was expanded beyond the initial 8 year period to a period of 18 years, the evidence clearly contradicted expectations and suggested that leftist regimes were actually less likely to repress personal integrity rights than non-leftist regimes. While this result was not expected, it is not totally counter to the original theoretical expectation. First, in leftist regimes, control of society and personal freedoms have often been so complete that the regime might be less likely to need to engage in these more severe abuses of personal integrity rights to maintain order than would be its non-leftist counterparts. Second, as Duvall and Stohl (1983) and Lopez and Stohl (1992) have argued, human rights repression

may have an “‘afterlife,’ which affects the behavior of people long after the observable use of coercion by state agents has ended” (Lopez and Stohl 1992, 218). Thus, past repression in leftist regimes may actually reduce the need for future repression or the need for more severe forms of repression, such as those measured by personal integrity rights abuse. Of course, neither of these explanations are exclusive to leftists regimes.⁹

Leftist regime is operationalized as "those governed by a socialist party or coalition that does not allow effective electoral competition with nonsocialist opposition" (Poe and Tate 1994, p. 858). Leftist regime is a dichotomous variable where leftist regimes are coded one and non-leftist regimes are coded zero.

CHAPTER 2

Bills Of Rights And Constitutional Provisions Of Individual Human Rights

The most important focus of the study is the explicit promise of individual rights, regardless of whether they appear in identifiable bundles called "bills of rights."

Scholars such as Beatty (1994) stress the virtue of written bills of rights or promises of individual rights, which greatly extend the reach of the rule of law and provide individual protection from the over-extension of governmental power. Beatty argues that such constitutional guarantees are significant in that they provide new duties and standards of justice and fairness that both politicians and bureaucrats are now required to meet. And more importantly, they represent "catalogues of very important interests and activities over which the individual rather than the state has been given final control" (16). Nsereko (1994) argues it is "vital that human rights are spelled out and protected in the constitution so that they are elevated to status of supreme law" and enforceable in courts of law. Ackermann (1989) posits that the best way to protect human rights is through "a written constitution, underpinned by a bill of rights, and protected by judicial review" (65).

Other scholars such as Ludwikowski (1996) point out that constitutions may also **limit** individual rights. In many constitutions these personal freedoms are afforded protection only within the boundaries of the state's law and therefore may be cancelled by state law. And often there has been an equal if not greater emphasis placed on the individual's **duties** to the nation. For example, in the constitutions of socialist states, bills of rights were the norm; however, they were usually juxtaposed next to a list duties that

were considered inseparable from the list of rights (227). Additionally, many constitutions stipulate that any guaranteed rights must not be detrimental to the nation's best interest or the public good. Thus, the level of protection promised by constitutions may be full or it may be limited. Davenport (1996) argues that constitutional promises are best perceived as a delineation of which set of rights a regime is or is not willing to commit to protect and under which circumstances it is willing to extend or restrict the protection to these rights.

Davenport (1996) argues that constitutional promises may be perceived as a delineation of which set of rights a regime is or is not willing to commit to protect and under which circumstances it is willing to extend or restrict the protection to these rights. In this chapter I test empirically the impact of this delineation of rights and these legal commitments on actual state human rights behavior. I analyze the impact of the constitutional provisions on the regime's protection of two sets of human rights: 1) the narrow set of rights that fall under the rubric of "the human right to personal integrity" (the freedom from imprisonment, torture, disappearance, and death by one's government for political reasons), and 2) a much broader set of human rights that includes: equality of rights without discrimination; life, liberty and security of person, protection against slavery; protection against torture and cruel and unusual punishment; protection against arbitrary arrest and detention; hearing before an independent and impartial judiciary, protection of privacy, family and home; freedom of movement and residence; freedom to marry and found a family; freedom of thought, conscience and religion; freedom of

opinion, expression, and the press; freedom of assembly and association; freedom to form trade unions; and equal protection of the law.

Hypotheses: Two types of constitutional protections are expected to affect personal integrity abuse: 1) the individual freedoms associated with constitutional liberalism: speech, assembly, association, press, and religion and 2) the key due process protections that directly relate to personal integrity abuse: writ of *habeas corpus* (the prisoner's right to be informed of promptly of the charges), protection against arbitrary arrest, prohibition against torture or cruel and unusual punishment, a fair and public trial. Both sets of constitutional protections are broadly recognized human rights that are modeled after the universally accepted United Nations Declaration of Human Rights and the broadly accepted International Covenant of Civil and Political Rights. With both sets of promises the overarching research hypothesis is that constitutional promises will have an impact because 1) they are binding contracts between the regime and its citizens and 2) they are indicators of the regimes willingness to protect these rights or freedoms. The overarching alternative hypothesis then is that these promises may be only window dressing and empty promises. The theoretical justification for each set of constitutional provisions is somewhat different. The constitutional provisions for individual freedoms should allow persons to openly criticize and perhaps challenge a regime and the status quo. Additionally, as Poe and Tate suggest, these types of freedoms "may make it easier for citizens and opposition leaders to publicize attempts at repression, thereby bringing down on would-be abusive leaders the weight of majority or world opinion" (p.123-24). Conversely, in some regimes the attempted exercise of these freedoms often leads to

political repression (see Pion-Berlin 1989; Poe, Tate, Keith and Lanier 1996; Davenport 1995). Examples include the student demonstrations in Beijing, association with a union in Argentina, and recent student strikes in Indonesia.

The constitutional provisions for due process procedures provide protection against arbitrary government action that directly relates to the abuse of personal integrity rights. The writ of habeas corpus protects individuals against arbitrary or political imprisonment in that the government is usually required to promptly present evidence sufficient to justify holding a prisoner and to make known the crimes which with a prisoner is being charged--obviously precluding the phenomenon of disappearances and perhaps limiting the practice of political imprisonment. The promise of a fair and public trial would make it more difficult for regimes to hold secret trials in which persons could be convicted for political reasons or on trumped up charges. Public trials also facilitate the dissemination of information, allowing the press and public opinion to function as curbs on repressive behavior. The ban on torture, when practiced, directly eliminates one component of personal integrity abuse and probably decreases the number of extra judicial killings that result from torture.

One important caveat to any expectation of constitutional promises, is that many constitutions simultaneously limit the very freedoms they promise to protect--at least under circumstances that tend to threaten the survival or even the well-being of the regime. Nwabueze (1973) notes that even when these freedoms are guaranteed in the most absolute terms, as they are in the U.S. constitution, they cannot be enjoyed in reality without qualification (44). There is substantial debate as to whether more human rights

protection is afforded when constitutions explicitly delineate any restrictions or when constitutions make no mention of restrictions. The U.N. Commission on Human Rights takes the view that constitutional provisions that explicitly and clearly define limitations are better than constitutions leaving the restrictions open to interpretation by its omission of limits (Despouy 1985). Presumably in the former instance, regimes would then have only limited circumstances under which they could legitimately suspend constitutional rights. Conversely, it could be argued that giving a regime any opening to suspend rights, might give it a cover of legitimacy to further erode human rights, well beyond the legitimate suspensions. Davenport's work (1996) did find that restrictions on freedom of press increased the likelihood of political repression. This study should provide some insight into this debate.

My study (1999) on the impact of the International Covenant of Civil and Political Rights demonstrated that countries which had made derogations under the framework of the covenant, suspended rights well beyond those allowed under the treaty's derogation clause (engaging in the highest levels of abuse of personal integrity rights--torture, disappearances, and killing), rights which may not be derogated under any circumstance).

OPERATIONALIZATION OF VARIABLES AND DATA SOURCES

Constitutional Promises and Restrictions Variables:

I have coded each of the following list of freedom or protections as: explicit guarantee or mention in the constitution (2); explicit guarantee or mention in the constitution but notes exceptions or qualifications, such as a public interest clause (1); no mention in the

constitution (0).¹⁰ The key constitutional liberties and protections include: 1) freedom of speech, 2) freedom of association, 3) freedom of assembly, 4) freedom of press, 5) freedom of religion, 6) the right to strike, 7) writ of *habeas corpus* (defined as the requirement that government promptly present evidence before a judge or magistrate sufficient to justify holding a prisoner and to make known the crimes which with a prisoner is being charged), 8) public trial, 9) fair trial, and 10) ban of torture or cruel and usual punishment.

The data sources for these variables are Blaustein and Flanz's *Constitutions of Countries of the World*. Flanz's series contains English translations of most current constitutions of the world and in most cases contains information on past constitutions as well.¹¹

There may be some concern that these constitutional provisions, which represent constitutional liberalism, overlap with the concept (and my measure) of democracy. Currently, some scholars have tried to separate the concept of liberalism from the concept of democracy. For example, Schmitter (1992) points out that while the concept of liberalism may have coincided with the rise of democracy, "it has never been immutably or unambiguously linked to its practice." Zakaria (1997) argues that the essence of democracy has always been rule of the people, but argues that it is constitutional liberalism that posits "human beings have certain natural (or 'inalienable') rights and argues that government must accept a basic law, limiting its own powers, that secures them" (26). He argues that constitutional liberalism

....is not about the procedures of selecting government, but rather government's goals. It refers to the tradition, deep in Western history, that seeks to protect an individual's autonomy and dignity against coercion, whatever the source--state, church, or society (25).

Zakaria argues against defining democracy so broadly as to include an exhaustive list of social, political, economic, and religious rights, because such elevation "turns democracy into a badge of honor rather than a descriptive category" and "renders it analytically useless" (25). As evidence of this dichotomy, Zakaria points to the rising number of democracies in the world today that in fact do not practice constitutional liberalism but rather are what he calls "illiberal democracies."

It is beyond the scope of my study to settle this theoretical debate, but it is important to discuss the implications the debate for my analyses because democracy is one of the key factors that consistently has been shown to affect human rights abuse.¹² Primarily, the measures of democracy used in these analysis have focused on the electoral component of democracy in order to clearly distinguish the concept of democracy from the abuses that are measured with the dependent variable. These measures of democracy have ranged from Poe and Tate's (1994) use of Vanhanen's (1990) index based on voter turn-out and party competition and their use of Freedom House's political rights measure to Hibb's (1992) use of elite electoral accountability and Davenport's (1995, 1996) use of Banks' (1992) political polyarch and pluralism measures. Thus, human rights scholars have tended to separate out political democracy from what my study (and Zakaria and Schmitter) would distinguish as constitutional liberalism. I believe that the Polity III

democracy measure, discussed in the introduction section, allows me to achieve this separation better than any other variable currently available, because it focuses exclusively on the electoral process of the country's executive. Of course, it remains possible that political democracy would be highly correlated with constitutional liberalism, although, Zakaria's and Huntington's analyses of democracies and actual liberalism in 1990s certainly cast doubts on the probability of such a correlation. It should also be remembered that my study measures protections that are written in documents as opposed to the actual fulfillment of these protections. Statistical diagnostics, in fact, demonstrated only minor correlation between the individual constitutional measures and the Polity III variable (correlation coefficients ranging from .12 to .33).¹³

The Gurr measure does have a significant shortcoming in that the data have not been extended beyond 1993, which prevents me from using it for the entire time period under study. Following Poe and Tate (1994) I conduct a second set of analyses, employing an alternative measure of political democracy, the Freedom House political rights variable. The second analysis serves two purposes. It allows me to test the entire 1976-1996 period and it allows for cross-validation of the impact of political democracy. Statistical diagnostics do not indicate that multicollinearity with the constitutional provisions variables is a problem here either. The correlation coefficients for the individual measures ranged from .17 to .41.¹⁴

DESCRIPTIVE ANALYSIS OF THE VARIABLES

Table 2.1 reports the frequency and percentages for the levels of protection on each variable for the entire twenty-one year period (1976-1996). During this full period

the constitutions of less 1.5% of the country years contained the highest level protection of the freedom of assembly and right to strike; however, the percentages of the constitutions containing the highest level protection of freedom of speech, press, and religion were about 3 to 4 times higher. The intermediate level (qualified protection) was the modal category for assembly, association, religion, and speech (between 57 and 61%), and for the remaining categories (press and strike) the modal category was no protection (61 and 78% respectively). One of the interesting overall trends is how closely the patterns for freedom of speech, assembly, association, and religion parallel each other, while freedom of press remains remarkably less prevalent. It may be that the provision of freedom of press is a truer indicator of a regime's intention to respect democratic freedoms. Not surprisingly, the right to strike is even less prevalent, but this right perhaps represents a stronger potential threat to stability in a regime.

--- Table 2.1 about here ---

Over the full 21 year period, the due process protections were more frequent than the above individual freedoms. Approximately 25% of the country years had constitutions with the fullest level of protection against torture and approximately 20% offered the highest level provision for *writ of habeas corpus*. Less than 10% of the constitutions offered the highest level provision for fair and public trials. For each of these due process provisions the modal category was no protection (ranging between 54% and 77%). Figure 2.1 graphically depicts the same data. The most notable observation from the bar chart is that as you move from individual freedoms to the due process protections the modal category changes from qualified protection to no protection (with

the exception of freedom of press and the right to strike). However, it is interesting that constitutions with full protection achieve the highest percentages in the due process protections rather than individual freedoms.

In order to compare the differences in constitutional provisions overtime, Figures 2.2 and 2.3 graph the percentages for the ten variables at the end- years of the data set: 1976 and 1996. As Figure 2.2 illustrates, the modal category for freedoms of speech, religion, assembly, and association is the qualified level of protection. The modal category for the right to strike and the due process protections is the no protection category. The higher level of protection (full protection) of the individual freedoms ranges from less than 1% (right to strike) to around 5% (religion). Again, higher percentage of constitutions contain the higher full protection ranges when we move to the due process provision, ranging from 7% (fair trial) to 17% (torture). As Figure 2.3 illustrates, the patterns in 1996 are strikingly different from 1976, suggesting a marked improvement in constitutional protection. The most noticeable difference is the rise in the mid-range, qualified protection in all types of individual protections and due process provisions. The proportion of countries in the no protections category declines drastically in the freedoms of speech, religion, assembly, association, and press (right to strike is only slightly smaller). The protections for the first four freedoms extend in the 70% range and above.

In 1996 the percentage of countries with qualified constitutional provisions for freedom of the press actually surpasses those with no provision, but only slightly. The proportion of countries with no due process protections declines significantly in 1996

except for fair trial (70% of the countries still have no fair trial provision). Some increase in the full protection range is seen. Most significantly the percentage of countries with full protection against torture more than doubles from 17% in 1976 to 40% in 1996. Countries with full provision for the *writ of habeas corpus* also doubles from 15% in 1976 to 30% in 1996.

As an initial exploration of these protections as a whole, I have also computed a simple additive index. For these protections the index scores range from 0 to 20. Figure 2.4 compares the distribution of index values for 1976 and 1996. The bar graphs shows that in 1976 the scores are skewed toward the lower end of the scale, with 27% of the countries scoring zero on the index. No country scores higher than 15 in 1976. Most of the countries fall within the 5 to 10 point range. In 1996 less than 10% of the countries earn a score of zero and the bulk of the countries' score fall between 7 and 13.

In Figure 2.5, a line graph depicts the trend in the mean index score for each year across the entire twenty-one year period. Not unexpectedly, a slight rise is seen overtime that increases substantially beginning around 1990 and 1991, which coincides with the recent period of constitution writing in many of the newly independent states in the world. The means range from 4.77 in 1976 to 7.50 in 1996.

Diagnostics for indicators of multicollinearity were conducted. Analysis of the correlation between each pair of variables suggested that four of the variables may be problematic: speech, assembly, association, and religion. Freedom of speech and freedom of assembly are correlated at .81 which is beyond the .80 limit set by Lewis-Beck (1980, 58-62). Association and assembly are correlated at .77 and speech and association are

correlated at .77. Religion and assembly are correlated at .63 and religion and association are correlated at .68. While these pairs do not surpass Lewis-Beck's .80 cut-off, the correlation is high enough to merit some concern; therefore, I ran Klein tests (each independent variable is regressed upon the others) on each of these variables. While the R-square of each regression is well below 1.0 as suggested by Lewis-Beck, the r-square for speech on assembly is .66 which suggests that high multicollinearity could still be a problem. The tests for the relationship between religion and assembly and between religion and association are low enough to suggest that multicollinearity may not be a problem (r-squares ranging from .39 to .45). The relationship between association and assembly and between speech and association fell into a fuzzy zone with r-squares, ranging from .59 to .60.

MULTIVARIATE ANALYSIS

Methodology:

In the multivariate analysis I employ a pooled cross-sectional time-series design because it provides the advantage of testing the hypothesis simultaneously across time and space, thus controlling for the possibility that the effects in which we are interested may work at different times across different states (see Stimson, 1985). The advantages of this design are offset by two potentially serious problems that must be dealt with: heteroscedasticity and autocorrelation, both of which may lead to the problem of unreliable tests of statistical significance and inferences (see Beck and Katz, 1995; Ostrom, 1990; and Stimson, 1985). To deal with the problem of heteroscedasticity I have used Beck and Katz's panel corrected standard errors (Beck and Katz, 1995; Beck et al., 1993), a variation of

White's (1980) robust standard errors that was developed by Beck and Katz to deal with heteroscedasticity in pooled cross-sectional data. I have also included a lagged dependent variable to correct for autocorrelation (Beck and Katz, 1995).¹⁵

Each level of multivariate analysis is divided into two sets to accommodate the use of the two different democracy variables discussed above. Each democracy measure is available for differing sets of countries and periods of time. The Freedom House Political Rights measure encompasses a longer time period (1976-1996); however, the necessity of a lagged endogenous variable results in a data set beginning with the year 1977. Restricting the analysis to country years with Freedom House data produces a data set with 105 countries and a total of 2909 country years (1977-1996). The Polity III measure encompasses a shorter time period (1976-1994) and yields a data set with 99 countries and a total of 2187 country years (1977-1994).

The Polity III-restricted data set are also used for the analysis of the broader civil rights measure. I do not analyze this dependent variable in conjunction with the Freedom House political rights/democracy measure; while these measures purportedly look at mutually exclusive sets of rights, I chose to err on the side caution and forestall any concern that the variables might not be independent of each other. In the analysis using the Polity III-restricted data set, I present the personal integrity models and the civil rights model side by side for comparison. Remember that the expected direction of the coefficients will be opposite when one looks at the analysis of the Freedom House Civil Rights dependent variable since it measures the provision of human rights not the abuse of human rights.

For each set of analyses, I present the results first from the models using the Freedom House-restricted data set since it encompasses the longer time period and larger set of countries as compared to the data set that is restricted by the Polity III democracy measure.

Initial Multivariate Analysis of Ten Individual Constitutional Provision Measures

I ran an initial regression analysis to test in isolation effects of the ten constitutional provisions. The results for the Freedom House restricted data set are reported in Table 2.2 and the results for the Polity III restricted data set are reported in Table 2.3. The first half of each table reports the results using the State Department measure of human rights abuse; the second half of the table reports the results with the Amnesty International variable. This pattern of reporting follows for all tables.

--- Table 2.2 about here ---

Looking at Table 2.2 and the model using the State Department measure, we can see that, of the ten constitutional provisions measures, four occur with reasonable levels of statistical probability ($p < .10$). Fair trial produces the largest coefficient, $(-.08)$ with the highest level of statistical significance ($p < .0001$). Freedom of association and the right to a public trial produce coefficients of $-.05$ and $-.03$ and achieve statistical significance at the $.08$ and $.07$ level, respectively. The fourth variable achieves statistical significance at $.01$, but its coefficient of $.04$ is signed in the wrong direction, implying that countries with prohibitions against torture, other things being equal, are *more* likely to commit higher levels of personal integrity abuse than those without such constitutional constraints. Thus only three of the ten provisions manifest statistically significant

relationships between human rights and constitutional promises. The Amnesty International model basically parallels the State Department model with only a minor difference in degrees of statistical significance: freedom of association achieves a better level of statistical significance (.01 instead of .07). Thus across both personal integrity measures only three of the ten provisions indicate that better human rights are associated with constitutional provisions ostensibly protecting rights. The percentage of variation in personal integrity abuse explained by the models is 74% for the State Department model and 72% for the Amnesty International model.

The results of the personal integrity rights analysis (see Table 2.3) using the Polity III democracy measure are almost identical to those using the Freedom House measure. The primary difference is just a matter of improved levels of statistical significance. Additionally in this model, freedom of religion manifests impacts that achieve statistical significance at .05 and .08, but in the wrong direction. The percentage of variation explained by the model is 73% for the State Department model and 70% for the Amnesty International model.

The analysis of the third dependent variable, Freedom House civil rights, produces five coefficients that reach acceptable levels of statistical significance (association, press, strike, public trial, and habeas corpus). Here we see five of the ten provisions show a positive relationship to human rights protection. The percentage of variation explained in this model is more robust than that of the personal integrity models--90%. We must be cautious in accepting these preliminary results; the analysis

does not control for the set of variables that have already been shown to influence personal integrity abuse, and thus it is premature to discuss implications at this point.

--Table 2.3 about here--

Multivariate Analysis of Ten Individual Constitutional Provision Measures with Control Measures

The next analysis incorporates the constitutional measures with the control measures described in Chapter One. These results are reported in Table 2.4. Once again the lagged endogenous variable produces a large coefficient (.65) that is statistically significant at least at the .0001 level. Of the control variables only one does not achieve an acceptable level of statistical significance. British colonial experience achieves only a .25 level of significance. This variable has proved to be somewhat inconsistent in its statistical significance in other studies as well. All the other control variables produce statistically significant results that are quite consistent with previous results.

---Table 2.4 about here---

When the control variables are added to model, five constitutional variables obtain achieve reasonable levels of statistical significance; however, only one of the variables originally reported to be statistically significant in Table 2.2 continues to be statistically significant when we control for other factors. Freedom of association (.05) is significant only at the .09 level, and its sign flips direction. Public trial (-.01) is statistically significant only at the unacceptable level of .30. The guarantee of a fair trial (-.06) continues to be statistically significant at the .004 level. One new variables earns a marginally acceptable level of statistical significance when the control variables are

added: freedom of assembly with a coefficient of $-.05$ ($p < .09$). Torture (.05) and habeas corpus (.06) are in unexpected directions and therefore cannot be considered statistically significant. The model produces an R-squared of .78.

The results using the Amnesty International measure are quite similar to the State Department results in regard to the control variable.¹⁶ However the results for the constitutional variables are different to some degree. In this model, four of the constitutional variables achieve reasonable levels of statistical significance but only one is in the expected direction: fair trial (coefficient of $-.11$, $p < .0001$). Public trial (coefficient of $-.02$) achieves a marginal level of statistical significant (.12) Habeas corpus and torture produce positive instead of negative coefficients.

The results in the personal integrity models in the Polity III-restricted data (see Table 2.5) basically mirror those reported in Tables 2.4, in that habeas corpus and torture produce positive rather than negative coefficients, and thus even though they produce large z-scores, cannot be considered statistically significant. Public and fair trial continue to produce similarly sized negative coefficients here. The control variables also are generally equivalent to those in Tables 2.4, except that leftist regime is not statistically significant in the State Department model and military control is not statistically significant in the Amnesty International model. The models produce R-squares of .76 and .74.

When we look at the model analyzing the impact of these provisions on civil rights, we see a clearly different picture emerge. Three constitutional provisions increase the likelihood of higher levels of human rights protection at statistically significant levels:

freedom of press (coefficient of .03), public trial (coefficient of .07), and the right to writ of habeas corpus (coefficient of .04). One constitutional variable produces a coefficient that reaches acceptable levels of statistical significance but has a negative coefficient--freedom of torture (coefficient of -.02). As I suggested earlier, we might expect that some of these freedoms could actually increase the probability of human rights abuse--if the direct exercise of these promised freedoms posed a threat to a regime beyond what it was willing to bear. Certainly, exercising the freedom of assembly and speech could and has in the past triggered an observable, repressive response. I address the link between these promises and threats in later chapters. At this point it is still premature to explicate or accept the results of these initial analyses because of earlier mentioned concerns about multicollinearity.

--- Table 2.5 about here ---

Multivariate Analysis using Indices:

As I reported in the descriptive analysis, I found some indication that multicollinearity could be problematic in regard to four of the constitutional provisions--the freedoms of speech, religion, association, and assembly. I attempt to ameliorate this problem by constructing indices that combine the problematic variables. First, I construct a single additive index (Bill of Rights index) that combines the ten constitutional variables. This index was described in the descriptive analysis section of this chapter. Next, I construct an additive index that contains only the four problematic variables (Four Freedoms index). The results on the multivariate analysis using the Bill of Rights index are reported in Tables 2.6 and 2.7. As Table 2.6 illustrates, in the analysis

of personal integrity rights, the Bill of Rights index produces coefficients of zero across all four models with level of statistical significance ranging from .14 and .23. In Polity III-restricted data set, the Bill of Rights index is statistically insignificant in the personal integrity models. However, when the dependent variable is the broader human rights measure, the Civil Rights index, we see more promising results. The Bill of Rights index produces a coefficient of .01 that is statistically significant at .0001 level. Achieving this result here and not in the personal integrity model is perhaps logical given that the Civil Rights index covers many more rights that are directly related to the 10 provisions (life, liberty and security of person, protection against torture and cruel and unusual punishment, protection against arbitrary arrest and detention, hearing before an independent and impartial judiciary, freedom of thought, conscience and religion, freedom of opinion, expression, and the press, freedom of assembly and association, and free trade unions) than does the personal integrity measure. One of the difficulties of using composite measures such as the Freedom House index, is sorting out the implications of one's results. We might expect that the personal integrity rights that are included in the Civil Rights index are given a more sizable weight in the index because of their higher order or severity. But it is also possible that the index is weighted evenly among a long list of less rights (equality of rights without discrimination, hearing before an independent and impartial judiciary, protection of privacy, family, and home, freedom of movement and residence, to marry and found a family, freedom of thought, conscience and religion, freedom of opinion, expression, and the press, freedom of assembly and association, free trade unions, and equal protection of the law). If that is

the case, the index may actually be driven by the more numerous lower order rights rather than the higher order rights such life and security of person, and consequently, the implications from these results would differ. Therefore, we have to interpret these results more cautiously than those with narrow personal integrity rights. It is still premature to draw conclusions until we explore the second index, which I believe offers the best model for our analysis.

---Table 2.6 and 2.7 about here---

A more acceptable solution to the multicollinearity problem is to construct an index that just combines and isolates the four problematic variables because such an index will not mask as many relationships as the 10 variable index did. Table 2.8 and Table 2.9 report the results of an initial analysis of the Four Freedoms Index used with only the other constitutional provisions and without the control variables. In each of the analyses (across both dependent measures), the index produces a coefficient that equal to or near zero and that is statistically insignificant. In the personal integrity models, fair trial continues to be statistically significant (between .02 and .0001) in both data sets, with coefficients of -.06 and -.08 in the State Department models and -.10 in each of the Amnesty International models. In the personal integrity models public trial is statistically significant (.03) in the Polity III-restricted data set and marginally statistically significant in the Freedom House-restricted data set (.06 and .07) with coefficients ranging between -.03 and -.05. Additionally, freedom of press is statistically significant (.05) in the State Department model of the Polity III-restricted data set (coefficient of -.04) And torture

continues to produce a coefficient that, were it not signed incorrectly, would be statistically significant at acceptable levels in all five models.

In the analysis of the civil rights index there is a much clearer pay-off from the index. In the original analysis of the 10 individual measures several of the variables achieved high levels of statistical significance, but the signs tended to flip from variable to variable. Here, when multicollinearity is controlled, we find four measures that produce the expected positive coefficients that are statistically significant. Freedom of press has a coefficient of .06 that reaches the .01 level of significance and the right to strike has a coefficient of .06 that reaches the .02 level of significance. Two of the due process variables are statistically significant--habeas corpus (coefficient of .06) achieves statistical significance at the .01 level and public trial (coefficient of .04) achieves statistical significance at 04.

--- Tables 2.8 and 2.9 about here ---

The final model incorporates the Four Freedoms Index, the remaining constitutional provisions and the control variables. These results are reported in Tables 2.10 and 2.11. Across all five models the Four Freedoms Index produces a coefficient of -.01) In both State Department models the Four Freedoms index achieves at least marginal statistical significance (.05 in the Freedom House restricted data set and .09 in the Polity III-restricted data set). In the Amnesty International models and the civil rights model the levels of significance are much less acceptable, ranging from .12 to .20. The remaining individual constitutional provisions perform somewhat inconsistently across

the five models. In the four personal integrity models, fair trial is the one consistent constitutional provision (coefficients ranging from -.06 to -.12) with levels of statistical significance ranging from .03 to .0001. The prohibition against torture and the right to habeas corpus continue to reach what would be acceptable levels of statistical significance (.01 to .003) but continue to produce coefficients that are positive instead of negative (coefficients ranging from .05 and .06). Public trial performs somewhat inconsistently. In the Polity III-restricted data set, it reaches the .10 level in the State Department model and .03 in the Amnesty International model. In the Freedom House-restricted data set, it reaches the .12 level but in the State Department model it only reaches .32. In the civil rights analysis three constitutional provisions produce positive coefficients that are statistically significant at acceptable levels: public trial (coefficient of .07) achieves a level of .0001; habeas corpus (coefficient of .04), and freedom of the press (coefficient of .04) achieves a level of .09

In the Freedom House data set, each of the control variables is statistically significant, except for British colonial experience, in the State Department model. In Polity III-restricted data set military control is not statistically significant in the civil rights model and the Amnesty international model. And in the State Department model leftist regime is not statistically significant nor is British colonial experience. Again, these three variable have proven to be somewhat inconsistent in previous studies as well. Both measures of democracy continue to decrease the probability of human rights abuse, as does economic development. Both war measures continue increase the probability of

abuse. And population size continues to exhibit a pejorative effect on human rights practices.

-- Tables 2.10 and 2.11 about here ---

Overall, the analysis of the constitutional bills of rights is somewhat discouraging, given the effort at global constitution building. Only when the level of human rights under investigation switched to the broader civil rights did the index of the 10 rights make a statistically significant difference, but substantively its impact was near zero. The assessment of the impact of the constitutional promise of the five basic freedoms (speech, assembly, association, religion, and press) on human rights abuse is not much more optimistic. Freedom of press has no statistical effect on personal integrity, but does at least have an impact on the broader civil rights measure, where we might expect to find a stronger relationship since actual freedom of the press is a component of these rights. The four freedoms index did produce a statistically significant impact in the State Department models, but the coefficient is quite small (-.01). This lack of substantive and statistical significance may in part be due to the nearly universal inclusion of these freedoms in constitutions in this decade. Remember, I reported in the descriptive analysis that by 1996 approximately 75% of the constitutions in the world promised these freedoms to some degree. While it may be the norm to provide these freedoms, the actual behavior of states may not have advanced to the point that they actually provide them.

Again, it must be remembered that in this analysis we are looking at human rights behavior that may be only indirectly related to these five freedoms. The impact of these

promises may be more clearly seen on human rights that are more closely related to the promise. To measure fully their impact on personal integrity abuse, we may need to account for the intermediate effect, as well. Specifically, we need to measure the actual level of state provision of these freedoms and then test the full path of the relationship from the constitutional promise of these freedoms to achievement of the freedoms themselves, then to the personal integrity protection. This is especially important since the exercise of some of the rights may actually put the individual at greater risk since the regime may perceive such actions to be a threat.

The constitutional provisions for public trials and fair trials show the most influence upon personal integrity rights. The promise of fair trials is more statistically significant than public trials. The promise of a public trial may be less clear because this promise is often not included in the sections of the constitutions that deal specifically with individual rights but rather frequently is included in the judicial section of the constitution. Thus, the provision may not be considered an individual right but rather a component of judicial independence. Of course, these trial provisions are more directly related to personal integrity rights than are the freedoms discussed above, so we would expect a clearer relationship here.

The most perplexing results are those of the ban on torture and the promise of the writ of habeas corpus, the two variables most closely related to personal integrity abuse. While the levels of statistical significance are quite high the coefficients are signed in the wrong direction. Clearly, if we had tested these variables with a 2-tailed level and not predicted a direction, the variables would have been statistically significant. However,

there is no theoretical justification to suggest that these constitutional promises would increase the likelihood of political repression. I continue to explore this relationship when I examine the impact of threats and states of emergency and the independence of the judiciary.

The analysis of the Freedom House Civil Rights Index produces results that are more encouraging. While the freedoms index only achieves marginal significance (.12 level) three of individual provisions are substantively and statistically significant. As I have discussed earlier, the better results from the freedoms variable are likely due to the fact that this measure more clearly encompasses those constitutional promises.

Given the level of effort put into constitution writing over the last 2 decades, these results are somewhat disappointing and merit additional exploration. I pursue this task through two approaches. The first involves controlling for overly restrictive constitutional promises and the second involves dividing the analysis into two time periods: the Cold War era and post-Cold War era.

As I coded the constitutions it became clear that some constitutional promises were restricted well beyond the standard "public welfare" caveats that increasingly appear in constitutions. A small set of constitutions denied using these freedoms against the revolutionary or socialist order/interest. For example, Albania's communist constitution says that the freedoms may not exercised in opposition to the socialist order and Iraq's constitution says that the exercise of freedoms must comply with the revolutionary trend. These restrictions may be so extensive that they render the promises useless or they may actually legitimize the abuse of such rights. To control for this possibility I created a

dummy variable to mark these country years (0 if the constitution contained one of the above clauses) and then I used the dummy variable as a multiplier for these countries, which converted the variables to zeros. I also created a multiplier where the overly restrictive constitutions were coded (-1) instead of zero. I then duplicated each of the above analyses (across both the Freedom House and the Polity III-restricted data sets and across personal integrity rights and civil rights) and produced results that were nearly identical to previously reported results. Thus, the impact of these more restrictive clauses is not readily observable.¹⁷

Analysis of the Cold War and Post-Cold War periods

The second attempt to explore the data further divides the data into Cold War and post-Cold War constitutions. In the descriptive analysis at the beginning of the chapter, a clear increase in the occurrence of these promises was noted as I compared 1976 to 1996. As many new constitutions have been written in this decade, we have seen increasing attention given to individual rights and freedoms; therefore, we might expect to see different relationship in the post Cold War period. Thus, I divided the data into two time periods: 1) Cold War constitutional period (1977-1991) in which most of the countries still operated under their old constitutions and 2) post Cold War (1992-1996) in which most of the new constitutions have come into force. The results of the analysis from the Freedom House-restricted data set are reported in Tables 2.12 (Cold War) and 2.13 (post-Cold War). Not surprisingly the results from the earlier period (which is only five years short of the full data set) parallel that of the full 20 year time period. The most substantial difference is that the four freedoms index does achieve statistical significance

in both the State Department and the Amnesty International model (at the .001 and .04 levels respectively) and the index produces larger coefficients (-.03 in the State Department model and -.02 in the Amnesty International model). Fair trial also produces larger coefficients (-.07 and -.14) and achieves the same high levels of statistical significance.

--- Tables 2.12 and 2.13 about here ----

The analysis of the post-Cold War period produces one interesting change. In this limited period, freedom of the press produces an impact that is substantively significant (coefficients of -.06 and -.05) and statistically significant at the .06 level in the State Department model and marginally significant at .12 in the Amnesty International model. In this later period the four freedoms index is not statistically or substantively significant, but fair trial continues to have the expected negative effect on human rights abuse (coefficients ranging between -.06 and -.08), but drops slightly in statistical significance. Torture continues to achieve acceptable levels of statistical significance but continues to produce positive coefficients that are unacceptable. Finally, it is worth noting that the R-squares in the post-Cold war models are somewhat larger--.82 in the State Department model (compared to .78) and .77 (compared to .76) in the Amnesty International model.

The last two tables report the results of the analysis using the Polity III-restricted data set: Tables 2.14 (Cold War) and 2.15 (post-Cold War). The results of the Cold War period analysis of the personal integrity models parallel the analysis of the full time period and the analysis using the Freedom House-restricted data set. Again, this result is not surprising given that this period probably drives the full time period analysis. Here

we find the four freedoms index to be statistically significant at acceptable levels (.01 and .06) with coefficients of -.02 and -.03. Fair trial continues to produce coefficients of -.06 and -.14 that are statistically significant at .03 and .0001. In this earlier period public trial (coefficient of -.01) is marginally statistically significant at .10.

The Cold War period results for civil rights is only slightly different from the full time period model. The Four Freedoms index continues to be only marginally statistically significant (.11) and rather small (coefficient of .01). The habeas corpus and public trial coefficients continue to be statistically significant (.02 and .01). And when the time period is limited, public trial is statistically significant at the .002 level. Freedom of press does not achieve acceptable levels of statistical significance.

----Tables 2.14 and 2.15 about here ---

The post-Cold War analysis produces rather similar results in the personal integrity analysis. Here, though, public trial is statistically significant across both models, but fair trial is no longer statistically significant in the State Department model. Torture continues to produce satisfactory probability levels in one model, but the coefficients continue to be in the wrong direction. In this period freedom of press is statistically and substantively significant in the State Department model (coefficient of $-.09$ $p < .07$) but not statistically significant in the Amnesty International model. The analysis of the civil rights index in the post-Cold War period produces a stronger coefficient for the four freedoms index (.04) that is statistically significant at the .04 level; however, habeas corpus is not statistically significant in this period. In this model, freedom of press is statistically significant at .08.

One final comparison: in the post-Cold War model using the State Department data, we achieve a higher R-squared (.82) than in the Cold War model (.75). In the Amnesty International model, there is little difference between the Cold War period (.73) and post-Cold War period (.74). In the civil rights analysis a R-squared of .93 is produced in the Cold War period and the R-squared in the post-Cold War analysis is .90.

A Comparison of the Dynamic Effects of the Independent Variables

Because of the inclusion of the lagged dependent variable in my models, the independent variables in the model are expected to produce, through that variable, an additional impact on human rights behavior for several years. In Figures 2.6 and 2.7 I depict the over-time effects for the best performing personal integrity model, the State Department model using the Freedom House-restricted data (see Table 2.10) and the Civil Rights model (see Table 2.11). In each of the figures I depict the over-time effect (from time_t to time_{t10}) of substantial changes in each of the independent variables in the model that achieved statistical significance at least at the .10 level. With the exception of two variables (per capita GNP and population) maximum change in the independent variable from time_{t-1} to time_t is assumed--for example, a change from being the most democracy level to least democracy level.¹⁸ In the case per capita GNP a change of \$20,000 dollars is assumed and in the case of population a change of 10,000,000 people is assumed. For ease of comparison, the figure assumes that independent variables cause a decrease human rights abuse.

Figure 2.6 presents the State Department personal integrity model. In the figure we can see that the over-time effects of each of the variables become asymptotic by the

tenth lag. The impact of going from a constitution with none of the individual freedoms in the four freedoms index to a constitution with all four freedoms explicitly provided produces an initial impact of .09, *ceteris paribus*, that levels off at .25 by the tenth lag. The impact of adding the fair trials provision to the constitution is only somewhat larger, leveling off at .34. These impacts are rather small compared to the impact of civil war but are larger than the impact of going from a military to non-military regime and from a leftist to a non-leftist regime. The impact of the end of civil war (and staying at peace) reduces personal integrity abuse by .57 and levels off at 1.61. The impact of international war ending is much smaller, beginning at .17 and leveling off at .48. The second largest impact is produced by democracy. A country which goes from having no democracy to the highest level of democracy would eventually see an impact of -1.19. The effect of a reduction in population by 10 million persons produce a decrease of 1.39 in human rights abuse.¹⁹ The effect of a gain of \$20,000 in per capita GNP produces an impact of -.57 by the tenth lag.

Figure 2.7 presents the Civil Rights model. For ease of comparison, the figure here assumes that independent variables cause an increase in the provision of the rights measured in Freedom House Civil Rights index. Again, we can see that the over-time effects of each of the variables become asymptotic by the tenth lag. The impact of impact of going from a constitution with no freedom of press to full freedom of press and the impact of a change from no habeas corpus protection to full protection produce identical impacts their they are represented in a single line. Each of these changes produces an initial impact of .08, *ceteris paribus*, that levels off at .22. These impacts are

rather small when compared to the other variables--only the impact of British colonial experience is smaller. The impact of a change away from civil war is much smaller in this model, only .66 by the tenth lag. The impact of a change away from international war is about half that of civil war, .42 by the tenth lag. The impact of democracy clearly stands out from that of the other variables, beginning with an impact of 1.00 that levels off at 2.96, *ceteris paribus*. This impact is strong indicator of the influence the democracy, as measured by the competitiveness of political participation in the country, the openness and competitiveness of executive recruitment, and constraints upon the chief executive, on the provision of the broad range of human rights included in this index. In regard to these human rights practices, changing from a leftist regime to a non-leftist regime produces an impact of .77, and the impact of a gain \$20,000 produces an impact of .60 by the tenth lag.

Overall, the impacts of the constitutional provisions individually are small, especially relative to the impact of war and democracy. However, in both models their combined impact would move a country half a level closer to a better human rights score, which is almost equivalent to the impact of a \$20,000 increase in the state's per capita GNP or ending an international war in which that state is fighting. From the perspective of Easton's exhortation for behavioral scientists to provide practical solutions, writing constitutional provisions to protect human rights is definitely a more viable solution than enabling a state to increase its per capita GNP by \$20,000--an amount that is the equivalent to the entire per capita GNP of Canada--or helping a state to get produce a reduction in the population by 10 million persons.

CONCLUDING REMARKS

The analysis of personal integrity abuse consistently demonstrated the importance of the constitutional provision for fair trials. The impact of fair trials was consistent across the Cold War and post-Cold War periods, with only one exception (in the Post Cold war analysis using the Polity III-restricted data set). The four freedoms index was consistently significant across the State Department models with the exception of the Post Cold War period. The four freedoms index was only statistically significant in the Amnesty International models when the Post Cold War period was removed from the data set. Thus, there seems to be a time dependent impact. It may be that these freedoms are so near universal that they have become standard but perhaps empty symbols in the newly created constitutions of the world. Public trial achieved mixed statistical results, achieving acceptable to marginally acceptable results in the Amnesty International models and performing somewhat better in the Post Cold War period. One provision does seem to stand out in the post Cold War period--freedom of press is statistically significant in the State Department models and in one of the Amnesty International models. This finding is not surprising. While coding the recent constitutions of the world, freedom of press often appeared to be the real separator between countries whose human rights behavior suggested these promises were window dressing and countries whose human rights behavior suggested these promises were substantive.

Overall, the analysis of the civil rights index is more time bound than the personal integrity analysis. The bill of rights index is only statistically significant in the civil rights analysis. The four freedoms index performance was only marginally significant in the

Cold War period but significant in the post Cold War period. This difference is reverse from the personal integrity analysis. Public trial is the only provision that is statistically significant across all time periods. The impact of fair trial is limited to the Cold War period and the impact of habeas corpus disappears when we move into the post-Cold War period. Again, freedom of press seems to be time-dependent, losing its statistical significance when the Cold War data are removed from the analysis.

In comparison to previous studies of constitutional provisions, my analyses add considerably to the level of our knowledge about the effects of the provisions. The results of my analysis do not support the results found by Davenport. He found freedom of press to be statistically significant and I only find this provision to be important in the post-Cold War period. It must be kept in mind that he used a limited set of countries (50), a time period that only overlaps with four years of my data set (1977-80), and a different measure of human rights. The earliest studies of constitutional provisions found that the countries with more protections were more likely to abuse human rights. This problematic finding has, of course, surfaced with at least two of my variables.

In this analysis I have analyzed two dependent variables, each of which has its advantages and disadvantages. The analysis of the civil rights index offers an exploration of a dependent measure that is more directly related to the actual promises but as I have pointed out before, the comprehensive nature of this index, includes behaviors that we would not expect to be related to the constitutional provisions under study here. This factor may dilute and confuse the relationship under study. The personal integrity rights indices are more narrowly focused and its elements more theoretically linked, making

interpretation of observed relationships more valid. We have to remember that my analysis is examining formal constitutional law, not the actual fulfillment of this law. My future plans include coding the actual behavior that is promised in the formal law and then looking at the full path of the behavior. The State Department country reports offer great potential as a source of this information. There also remain other links that need to be explored--ones that are addressed in this study. We need to explore the link between judicial enforcement provisions (upon which these rights may rest) and the link between emergency clauses that may allow these individual protections to be derogated. I address this issue in the following chapters where I also explore more fully the impact of threats.

CHAPTER 3

The Judiciary And Human Rights

The importance of an independent judiciary in the protection of constitutionally promised human rights has been posited by many scholars (for example, see Ackerman 1989; Scalia 1994, Nwabueze 1973, Maduna 1989, Rosenthal 1990). A judiciary that is truly independent is expected to be able to withstand incursions upon individual rights by other branches of the government because 1) the courts' power and fiscal well-being are sheltered from other branches of government, 2) the courts exercise the power of judicial review of the actions of other branches, and 3) the judges' jobs are constitutionally protected. The United Nations, which regularly assists in establishing systems of justice, sets forth standards for achieving an independent judiciary. These standards are outlined in the United Nation's *Basic Principles on the Independence of the Judiciary* (1985) and are as follows (as reported on the U.N. web-page):

1. The independence of the judiciary shall be guaranteed by the State and enshrined in the Constitution or the law of the country. It is the duty of all governmental and other institutions to respect and observe the independence of the judiciary.
2. The judiciary shall decide matters before them impartially, on the basis of facts and in accordance with the law, without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason.
3. The judiciary shall have jurisdiction over all issues of a judicial nature and shall have exclusive authority to decide whether an issue submitted for its decision is within its competence as defined by law.
4. There shall not be any inappropriate or unwarranted interference with the judicial process, nor shall judicial decisions by the courts be subject to revision. This principle is without prejudice to judicial review or to mitigation or

commutation by competent authorities of sentences imposed by the judiciary, in accordance with the law.

5. Everyone shall have the right to be tried by ordinary courts or tribunals using established legal procedures. Tribunals that do not use the duly established procedures of the legal process shall not be created to displace the jurisdiction belonging to the ordinary courts or judicial tribunals.

6. The principle of the independence of the judiciary entitles and requires the judiciary to ensure that judicial proceedings are conducted fairly and that the rights of the parties are respected.

7. It is the duty of each Member State to provide adequate resources to enable the judiciary to properly perform its functions. (United Nations High Commissioner for Human Rights 1985).

Additionally, the U.N. Special Rapporteur on the independence of judges and lawyers, Dato'Param Cumaraswamy, in 1995 recommended to the Human Rights Commission several general principles for judicial independence:

1) All necessary measures should be taken to respect, protect, and promote the independence of judges.

2) In particular, the following measures should be taken:

a. The independence of judges should be guaranteed pursuant to the provisions of the Convention and the constitutional principles, for example by inserting specific provisions in the constitutions or other legislation or incorporating the provisions of this recommendation in internal law. Subject to the legal tradition of each State, such rules may provide, for instance, the following:

i. decisions of judges should not be subject to any revision outside any appeals procedures as provided by law;

ii. the terms of office of judges and their remuneration should be guaranteed by law;

iii. no organ other than the courts themselves should decide on its own competence, as defined by law;

iv. with the exception of decisions on amnesty, pardon or similar, the Government or the administration should not be able to take any decision which invalidates judicial decisions retroactively;

b. The executive and legislative powers should ensure that judges are independent and that steps are not taken which could endanger the independence of judges.

c. All decisions concerning the professional careers of judges should be based on objective criteria and the selection and career of judges should be based on merit, having regard to qualifications, integrity, ability and efficiency. The authority taking the decision on the selection and career of judges should be independent of government and administration. In order to safeguard its independence, rules should ensure that, for instance, its members are selected by the judiciary and that the authority decides itself on its procedural rules. However, where the constitutional or legal provisions and traditions allow judges to be appointed by government, there should be guarantees to ensure that the procedures to appoint judges are transparent and independent in practice and that the decisions will not be influenced by any reasons other than those related to the objective criteria mentioned above. These guarantees could be, for example, one or more of the following:

i. a special independent and competent body to give the Government advice which it follows in practice; or

ii. the right for an individual to appeal against a decision to an independent authority; or

iii. the authority which makes the decision safeguards against undue or improper influences.

d. In the decision-making process, judges should be independent and be able to act without any restrictions, improper influence, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason. The law should provide for sanctions against persons seeking to influence judges in any such manner. Judges should have unfettered freedom to decide cases impartially, in accordance with their conscience and their interpretation of the facts, and in pursuance of the prevailing rules of the law. Judges should not be obliged to report on the merits of their cases to anyone outside the judiciary.

e. The distribution of cases should not be influenced by the wishes of any party to a case or any person concerned with the results of the case. Such distribution may, for instance, be made by drawing lots or a system for automatic distribution according to alphabetical order or some similar system.

f. A case should not be withdrawn from a particular judge without valid reasons, such as cases of serious illness or conflict of interest. Any such reasons and the procedures for such withdrawal should be provided for by law and may not be influenced by any interest of the Government or administration. A decision to withdraw a case from a judge should be taken by an authority which enjoys the same judicial independence as judges.

3. Judges, whether appointed or elected, shall have guaranteed tenure until a mandatory retirement age or the expiry of their term of office, where such exists." (from the Report of the Special Rapporteur on the independence of judges and lawyers, Dato'Param Cumaraswamy, submitted pursuant to Commission on Human Rights resolution 1995/36).

The U.N.'s Basic Principles appear to be broader than the Special Rapporteur's principles in that they go beyond listing the attributes of an independent judiciary to prescribing certain actions that the judiciary should take--specifically that the judiciary should ensure fair trials and should protect individual rights. Merging the key principles of the two documents together produces the following criteria for an independent judiciary. Items 1-4 are principles that appear in both lists (at least in general form). The fifth item is strictly from the U.N.'s Basic Principles and the last two items are strictly from the Special Rapporteur's report.

1) a) Terms of office and b) remuneration are constitutionally guaranteed, regardless of whether appointed or elected.

2) The decisions of judges are not be subject to any revision outside any appeals procedures as provided by law.

3) The courts have exclusive authority to decide on its own competence, as defined by law -- their decisions are made without any restrictions, improper influences, inducements, pressures, threats or interference, direct or indirect, from any quarter or for any reason.

4) The courts have jurisdiction over all issues of a judicial nature. This criterion seems to relate to the criterion that everyone shall have the right to be tried by ordinary courts or tribunals using established legal procedures. This criterion could be condensed to the requirement that civilians not be tried in military courts or exceptional courts.

5) The courts must have adequate resources.

6) The executive and legislative powers should ensure that judges are independent and that steps are not taken which could endanger the independence of judges.

7) The selection and career of judges should be based on merit: qualifications, integrity, ability and efficiency. The authority taking the decision on the selection and career of judges should be independent of government and administration. If the constitutional or legal provisions and traditions allow judges to be appointed by government, there should be guarantees to ensure that the procedures to appoint judges are transparent and independent in practice and that the decisions should be based on the above criteria.

Blasi and Cingranelli (1996), whose study was discussed in Chapter One, developed an index of the criteria that they believe constitute judicial independence. It overlaps substantially with the above list. The Blasi and Cingranelli criteria require that the judiciary is 1) housed in a separate branch; 2) fiscally autonomous; 3) has the power of judicial review of the legislative and executive branches; 4) has life tenure (at least for the highest level judges); 5) has restricted removal of judges; 6) a hierarchial system; 7) holds public hearings; and 7) judgeships held by professionals. The most notable divergence with the U.N. principles is Blasi and Cingranelli's inclusion of judicial review, which is not explicitly listed in the United Nations' lists.

Actually, the literature is not quite clear whether judicial review is a power that contributes **to** an independent judiciary or whether an independent judiciary is a necessary component for the real exercise **of** judicial review. While Blasi and Cingranelli (1996) consider judicial review to be a dimension of judicial independence, Rosenthal (1990) argues that for judicial review to be effective, the judiciary must be independent and the constitution must be difficult to amend--suggesting that judicial independence is a component of judicial review. Ludwikowski (1996) argues that the following conditions must exist for judicial review: 1) reviewing institution's power has to be separate from the powers that make the laws; 2) need a well-defined supreme law--a written constitution; 3) require the supremacy of the constitution; 4) amendment process has to be more difficult and formal than the regular legislative process; and 5) have a judicial system in which judges prepared to go beyond concrete adversary litigation and exercise judgments affecting general policy (210-11). Obviously, many of his conditions overlap with the above criteria for judicial independence. In this study I include judicial review as one of the dimensions of the concept of judicial independence, and additionally test judicial review's impact separately, since it has been strongly argued to be a substantial factor in the protection of human rights, particularly during periods of crisis or instability. For example, the International Commission of Jurists (1983) stresses the importance of judicial review during states of emergency, arguing that it is essential to prevent concentration of power during these crises. Ackermann (1989) argues that judicial review is one of the best ways to provide for human rights. And Maduna (1989) and Chowdhury

(1989) argue that judicial review is especially important during the early stages of a new democracy.

Hypotheses: My research hypotheses for this chapter are that 1) the constitutional guarantee of an independent judiciary will increase the likelihood that the human right to personal integrity will be protected (or put another way, the more closely the constitutional protections meet the standards of judicial independence the better the country's human rights behavior will be) and 2) the constitutional promise of judicial or constitutional review will increase the likelihood that the human right to personal integrity will be protected.

OPERATIONALIZATION OF VARIABLES AND DATA SOURCES:

Blasi and Cingranelli's index (1995) is the only effort I have found that attempts to quantitatively measure judicial independence. As I mention above, the components of their index do overlap substantially with the U.N. principles; however, I believe that the United Nations principles are more concisely and thoroughly conceptualized than Blasi and Cingranelli's measure. I also believe that the U.N. principles represent greater global consensus of what judicial independence is or should be. I therefore base my measure primarily on the U.N. conceptualizations, with some adjustment that also allows me to account for the dimensions that Blasi and Cingranelli (1996) posit as important. To some degree, what constitutes judicial independence is still an empirical question as well as a normative one. This study takes a partial step in examining that question, but must leave part of the exploration for another time. Looking towards those future efforts as well as my current one, I have tried to keep my coding as open to future manipulation as

possible, so that I can test and explore this independent variable fully. Therefore, I have separated coded the items from the merged U.N. list as well as any dimension of Blasi and Cingranelli's index that is not covered by the U.N. list as separate variables that can be combined and manipulated later. The following variables are the result of this combination: 1) guaranteed terms, finality of decisions, exclusive judicial authority, no exceptional courts, fiscal autonomy, separation of powers, enumerated qualifications, judicial review, and hierarchical system. This list does not include one of Blasi and Cingranelli's criteria--public hearings. I have already included this concept within the one of the due process rights of Chapter Two, the right to a public trial.

The nine variables are defined in the following manner: 1) **Guaranteed Terms:** Constitutionally guaranteed terms of office, regardless of whether appointed or elected, and restricted removal of judges. 2) **Decisions Final:** The decisions of judges are not be subject to any revision outside any appeals procedures as provided by law. 3) **Exclusive Authority:** The courts have exclusive authority to decide on their own competence, as defined by law -- their decisions are made with made without any restrictions, improper influences, inducements, pressures, threats or interference, direct or indirect, from any quarter or for any reason. 4) **No Exceptional or Military Courts:** The courts have jurisdiction over all issues of a judicial nature (civilians are tried by ordinary courts or tribunals not military or exceptional courts). 5) **Fiscal Autonomy:** The courts are fiscally autonomous. Their salaries and/or their budgets are protected from reduction by the other branches. 6) **Separation of Powers:** The courts are housed in a separate branch from the executive and legislative powers. 7) **Enumerated Qualifications:** The selection and

career of judges should be based on merit: qualifications, integrity, ability and efficiency.

8) **Judicial Review:** Judicial or constitutional review of legislative and executive branches. I believe judicial review needs to be more fully specified than it is in Blasi and Cingranelli's operationalization. In many constitutions it may be easy to identify the constitutional provision because it will explicitly state "constitutional review" or "judicial review." In other cases, I use Ackermann's (1989) definition as the standard:

Right and duty conferred on a court or particular courts of a country to interpret authoritatively the constitution of that country, to decide authoritatively the constitutionality of laws, executive and administrative acts, **and** in appropriate cases, to declare such laws and acts invalid and unenforceable when they conflict with the country's constitution (p.60).

9) **Hierarchical system:** Courts are structured in multiple layers with the highest level court exercising final control/review of lower court decisions.

I have measured these components of judicial independence as an ordinal variables. It is possible that the constitution might meet a criterion to some degree but not fully; therefore, I have coded the variables: 0) constitution does not provide; 1) constitution provides for somewhat or provides for vaguely but not fully; and 2) constitution provides for fully and explicitly. Two variables have an additional score (-1): 1) exceptional courts are coded -1 for constitutions that specifically allow civilians to be tried in military courts or explicitly allow the formation of exceptional courts and 2) judicial review is coded -1 for constitutions that give the power of constitutional review to another branch of government such as the executive or the legislature. The data

sources for these variables is again Flanz's *Constitutions of Countries of the World*. (See fuller description in Chapter Two.)

DESCRIPTIVE ANALYSIS OF THE VARIABLES:

Table 3.1 reports the frequency and percentages of the level of constitutional provision for each element of judicial independence for the entire twenty-one year period (1976-1996). Figure 3.1 graphically depicts the same data. Overall, the level of constitutional provision for judicial independence is much higher than level of provision for individual freedoms and due process. The distribution of country years whose constitutional provisions fall within the highest level (full and explicit) category ranges from 16% to 55%. On four dimensions of judicial independence more than 30% of the country-years achieve the highest score--guaranteed terms (40%), exclusive authority (30%), separation of powers (46%), and hierarchical system (55%). Still the modal category for all but one of the dimensions (hierarchical system) is the no provision category and the percentages are quite high, ranging from 46% to 80%. The dimensions of judicial independence that are most absent from these constitutions during the full twenty-one year period are fiscal autonomy (80%), finality of decisions (74%), ban on exceptional courts (74%) and enumerated qualifications (67%). One final observation, which has implications for the final construction of the measures, is the relatively small percentages of constitutions that fall in the intermediate range category (only 4% to 15%). As I discuss later, it turns out that the distinction between a provision that is explicit and one that is vague is not as important as the difference between no provision and any provision of judicial independence.

In order to compare the differences in constitutional provisions overtime, Figures 3.2 and 3.3 graph the percentages for the nine variables at the end years of the data set: 1976 and 1996. As Figure 3.2 illustrates the modal category for all but one provision (hierarchical system) in the 1976 constitutions is the no provision category (percentages range from 44% to 80%). The percentages of constitutions that fall in highest level category 4% (ban on exceptional courts) to 36% (guaranteed terms) and 40% (separation of powers). As Figure 3.3 illustrates, the patterns in 1996 are once again strikingly different from 1976, demonstrating a strong level of improvement in constitutional provision for judicial independence. The most striking difference is that on five dimensions of judicial independence the modal category is the explicit level of provision--hierarchical system (68%), separation of powers (67%), exclusive authority (54%), guaranteed terms (51%), and judicial review (42%). In the other four dimensions the modal category is no provision--fiscal autonomy (73%), ban on exceptional courts (66%), finality of decision (54%), and enumerated qualifications (52%). As in the twenty-one year period, the intermediate category is the least prevalent (ranging from only 5% to 19%).

As an initial exploration of these protections as a whole, I have also computed a simple additive index. For these protections the index scores range from -1 to 18. Figure 3.4 compares the distribution of index values for 1976 and 1996. The bar graphs shows that in 1976 the scores are skewed toward the lower end of the scale, with 26% of the countries scoring zero or less on the index. No country scores higher than 16 in 1976. Most of the countries fall within the first half of the range. In 1996 only 10% of the

countries earn a score of zero and the bulk of the countries' score fall in the second half of the range, with 31% of the constitutions in the range between 12 and 14.

In Figure 3.5, a line graph depicts the trend in the mean index score for each year across the entire twenty-one year period. We see a fairly stable mean until the mid-80s when we see a slight rise over the next years. Then, around 1991 and 1992 the mean increases substantially, which again coincides with the recent period of constitution writing in many of the newly independent states in the world. The means range from 5.32 in 1976 to 8.86 in 1996.

Diagnostics of the correlation between the variables suggest that separation of power may be correlated substantially with two variables: exclusive authority (correlation of .60) and protected terms (correlation of .63). Even though neither score is beyond the .80 limit set by Lewis-Beck (1980), I ran Klein tests to as a further diagnostic measure. The r-squares were in the .39 to .42 range which indicates that the level of collinearity is probably low enough to not merit concern but as I move into multivariate analysis, I continue to test and watch for indicators of this problem.

BIVARIATE ANALYSIS OF JUDICIAL INDEPENDENCE INDEX

I ran initial bivariate analysis with two versions of simple, additive indices of the nine judicial independence variables. One index is with the variables as originally coded. Since, as I noted in the previous section, there was a relatively small percentage of constitutional provisions that fell into the intermediate range category (only 4% to 15%), I recoded each of the variables so that the "explicit provision" and "vague provision" categories were collapsed into one (creating dichotomous variables for all but exceptional

courts and judicial review which were -1/0/1). Then I created a second, additive index using these collapsed variables.

The coefficients from the bivariate regressions are reported in Table 3.2. The analysis using the Freedom House-restricted data are reported first, followed by the analysis using the Polity III-restricted data set. In each of the analyses, the index based on the collapsed coding performs slightly better except in the civil rights model where the original coding is slightly better. In both data sets, the analysis of personal integrity measures produces coefficients that are negative and rather small (-.01 in the State Department analysis and -.00 in the Amnesty International analysis). Only the State Department coefficient is statistically significant (ranging from .01 to .03 level). In the analysis of the civil rights measures, both indices are statistically significant at the .0001 level and produce positive coefficients (.02 with the collapsed coding and .04 with the original coding) . Overall, these initial analyses suggests that judicial independence does have an impact on two different types of human rights, Freedom House's broad range of rights and the narrower set of personal integrity rights, at least as measured by the U.S. State Department. While this finding is significant, it is possible that the impact will disappear when controlling for other factors known to affect states' human rights practices. Additionally, the indices, will mask any individual relationship that the different provisions may have; therefore, in the next section, I move to full multivariate analysis of the judicial independence index and of the individual measures.

--- Table 3.2 about here ---

MULTIVARIATE ANALYSIS

As in Chapter Two, each level of multivariate analysis is divided into two sets of analysis in order to accommodate the use of the two different democracy variables discussed above. Again, the Freedom House-restricted data set encompasses the fuller time period (1977-1996) and the Polity III-restricted measure encompasses the shorter time period (1977-1994). I continue with the same presentation format, providing first the models using the Freedom House-restricted data set and then the analysis from the data set that is restricted by Polity III democracy.

Multivariate Analysis with the Judicial Independence Index:

As in the previous section, I ran parallel analysis of the multivariate models to determine whether the variables performed better operationalized as I originally coded them, or if they performed better when I collapsed the explicit and vague provisions categories into one. Each of the models using the index of the collapsed variables continued to perform much better than the ones with the original coding. Thus, I continued to conclude, that other things being held equal, the distinction between a constitutional provision that explicitly promises judicial independence and one that only vaguely makes such a promise is not as important as the difference between no provision and any provision of judicial independence. The following analyses reports only the results using the index of the collapsed variables.

Table 3.3 reports the results of the analysis using the Freedom House-restricted data set and Table 3.4 reports the results of the analysis using the Polity III-restricted data set. All of the control variables are statistically significant and in the expected direction

across all four models except for British colonial experience. These results parallel those reported in Chapter Two. Instead of a negative impact, the judicial independence index produces a positive impact (coefficient of .01 in the State Department model and .02 in the Amnesty International model) that if correctly signed would be statistically significant at levels between .01 and .0001 respectively. This counter-intuitive result is rather problematic. I return to this problem after discussing the results of the analysis using the Polity III-restricted data.

--- Table 3.3 and Table 3.4 about here ---

Table 3.4 shows these results. The personal integrity models here are identical to those above, with only one exception--leftist regime is not statistically significant in the State Department model. The model using the civil rights index as a dependent variable produces quite different results for the judicial independence index, but the results are fairly similar for the control variables, with a couple of exceptions--British colonial experience is statistically significant and military control is statistically insignificant. The judicial independence index produces a coefficient of .02 that is statistically significant at the .0001 level. Here the result is in the direction we would expect. The R-squares produced in each of the models here are just slightly lower than the Chapter Two constitutional provisions model and slightly higher than similar Poe and Tate models. Again the amount of variance explained in the civil rights model is the highest.

Now, to return to the problem of the unexpected direction of the judicial independence index. The first concern is always that of multicollinearity. While the diagnostic tests for multicollinearity had not strongly suggested any problems, I decided

to explore further the relationship between the judicial independence index and the democracy measure. I had found a correlation of .51 between the Freedom House democracy measure and the judicial independence index and a correlation of .54 between the Polity III democracy measure. Klein tests where each of the individual variables are regressed on the others had produced scores of .32 and .36. Each of these scores are within acceptable levels. Still, the flipping sign seemed to suggest a problem, so, following Lewis-Beck's suggestion (1980, 58-62), I re-did the analysis, removing the democracy variable from the model. These results are reported in Tables 3.5 and 3.6.

When democracy is removed from the personal integrity models, the judicial independence index does produce coefficients that are in the expected negative direction across all four models. The coefficients are statistically significant in the two State Department models at .01 but the coefficients are somewhat small at -.01. In the Amnesty International models, the coefficients are near to zero and do not achieve acceptable levels of statistical significance. In the civil rights model, the coefficient remains positive but is double that of the one produced in the model without democracy. Thus, these additional analyses still leave us with somewhat mixed results. Clearly, when we are looking at the broader index of human rights, the judicial independence index has a strong substantive and statistical impact, even when controlling for democracy and other relevant factors. In regard to the narrower set of personal integrity rights, the impact is only observable when the level of political democracy is not controlled--and even then the impact is only observable in the State Department analysis. It is still premature to dismiss the impact of constitutional provisions of judicial independence on personal

integrity rights. It is possible that certain individual provisions for judicial independence may be more effective or may relate more directly to human rights behaviors than do others; therefore, I conduct multivariate analysis of the nine individual provisions for judicial independence.

--- Table 3.5 and 3.6 about here ---

Initial Multivariate Analysis of the Nine Judicial Independence Measures:

As in the previous section, I ran parallel analysis of the multivariate models to determine whether the variables performed better operationalized as I originally coded them, or whether they performed better when I collapsed the explicit and vague provisions categories into one. Each of the models using the collapsed variables continued to perform slightly better than those with the original coding. Thus, I concluded, that other things being held equal, the distinction between a constitutional provision that explicitly promises judicial independence and one that only vaguely makes such a promise is not as important as the difference between no provision and any provision of judicial independence, at least where human rights behavior is concerned. The following analyses reports only the results using the collapsed variables.

Table 3.7 and Table 3.8 report the initial analyses of the nine individual judicial independence provisions without the control variables. Table 3.7 uses the Freedom House-restricted data set and Table 3.8 uses the Polity III-restricted data set. Two variables are statistically significant across all five models: guaranteed terms and the ban against exceptional courts. The guaranteed terms provision variable produces the largest coefficients of any of the provisions (levels of statistical significance range from $p < .03$

to .002)--it produces strong negative coefficients in the personal integrity model (-.07 and -.09 in the State Department models and -.11 and -.12 in the Amnesty International models) and a strong positive coefficient in the civil rights model ($p < .09$). The ban against exceptional and military courts is statistically significant at the .0001 level across all models. The coefficients are strong and negative in the State Department model (-.07 and -.09 in the State Department models and -.08 and -.11 in the Amnesty International models) and is strong and positive (.08) in the civil rights model. None of the other provisions are statistically significant in the personal integrity models. In the civil rights model, however, three additional provisions are statistically significant at acceptable to marginally acceptable levels: separation of powers (coefficient of .07, $p < .05$ level), finality of decisions (coefficient of .05, $p < .09$ level) and hierarchical system (coefficient of .05 $p < .08$).²⁰ Again, it is still premature to discuss the impact of the provisions until the effect of known factors are controlled.

--- Tables 3.7 and 3.8 about here ---

Multivariate Analysis of the Nine Judicial Independence Measures with Control Measures:

The results of the analysis using the nine individual measures of judicial independence are reported in Tables 3.9 (Freedom House-restricted data set), and in Table 3.10 (Polity III-restricted data set). In both the Freedom House-restricted data set and the Polity III-restricted data, the analysis shows that when other factors are controlled the constitutional provisions produce much less impact than we would expect. In the Freedom House-restricted analysis only one provision is statistically significant in the

State Department model--exclusive judicial authority produces a coefficient of -.03 that is significant at the marginal level of .09. In the Amnesty International model three provisions are statistically significant at acceptable or marginally acceptable levels. Finality of decisions produces a coefficient of -.06 that is statistically significant at .01. The ban of exceptional courts produces a coefficient of -.04 that is statistically significant at .001. A hierarchical system produces a coefficient of -.03 that is marginally significant (.10).²¹

--- Table 3.9 and Table 3.10 about here ---

In the Polity III-restricted data set, when control variables are added to the State Department model, none of the constitutional provisions remain statistically significant. In the Amnesty International model, guaranteed terms produces a coefficient of -.06 that is significant at the .06 level and the ban on exceptional courts (coefficient of -.05) is statistically significant at the .05 level. Two variables are only marginally significant (.12 level) when the control variables are added--hierarchical system (coefficient of -.04) and finality of decisions (coefficient of -.04). In the civil rights analysis, most of the statistically significant relationships between the constitutional provisions and human rights practices disappear when the control variables are added to the model. Three provisions are statistically significant: guaranteed terms, exclusive authority, and enumerated qualifications. The provision for guaranteed terms produces a coefficient of .10 ($p < .01$). Exclusive authority produces a coefficient of .06 ($p < .03$) and enumerated qualifications produces a coefficient of .05 ($p < .06$).²²

Overall, we see five constitutional provisions that emerge as being potentially important in the protection of human rights abuse; however their impact is somewhat inconsistent--each appears to be reach acceptable (and in two cases marginally acceptable) levels of statistical significant in two of the five models. Three constitutional provisions have no impact in any of the models: separation of power, fiscal autonomy, and judicial review. The lack of significance for separation of power is perhaps due to the fact that several of the other constitutional provisions may not be completely separate from this concept. The lack of significance of fiscal autonomy seems congruent with its less theoretically direct connection to human rights practices, but the failure of judicial review to produce an observable impact is somewhat more surprising. It was believed that the power to nullify the actions of other government branches could be a powerful tool through which the judiciary could position itself between the states' citizens and abusive government actors. To ensure the exercise of this power, there may need to be additional provisions for judicial independence. Ludwikowski (1996) argues that several conditions are necessary for judicial review to be effective, ranging from separation of power to a difficult amendment process. Three of the provisions under study here may be necessary in order for judicial review to be an effective tool--full separation of powers, exclusive judicial authority, and finality of decisions. With this in mind, I created a series of variables that would indicate judicial review only if some threshold was met. First, I tested whether full separation of power was necessary for judicial review to have an impact. I did this by creating an interaction variable where judicial review was multiplied by the separation of powers variable, which meant that only constitutions with 1s on

separation of power and judicial review would be coded as having judicial review. Constitutions without explicit separation of power but judicial review would be coded zero. In fully controlled models, this variable produced coefficients in the unexpected direction with unacceptable levels of statistical significance. Next, I tested whether having some provision for exclusive judicial authority and/or finality of decisions was a necessary basis for judicial review to work. I did this by creating an interaction variable in which I added together the dichotomous exclusive authority measure and the decisions final variable and then multiplied them by judicial review--which meant that provisions for judicial review where both of these other provisions were guaranteed were scored (2), judicial review where only one of the other provisions was guaranteed was scored (1), and where neither were guaranteed was scored (0). Constitutions with judicial review that did not have at least one of these two provisions were coded zero. In fully controlled models, this variable produced coefficients that were in the predicted direction but that were not statistically significant at acceptable levels. Finally, I created an interaction variable to test whether the three provisions were necessary for judicial review to work. Again, I combined the three measures (separation of power, finality of decisions, and exclusive authority) into an index and then multiplied the index with judicial review, creating a measure where a constitution that had all three provisions and judicial review was coded (3), a constitution that had two provisions and judicial review was coded (2), and a constitution that had one provision and judicial review was coded (1). Countries with no judicial review or judicial review and none of the three provisions were coded

(0). Tested in fully controlled models, the variable produced coefficients in the expected direction but once again failed to achieve statistical significance.

While these results have failed to ferret out any relationship between constitutional provisions for judicial review and human rights protection, it must be remembered that here I am just analyzing the impact of the constitutional promise of judicial review and not actually measuring the exercise of judicial review in the judiciary. Thus I am looking at an indirect relationship. It may be that judicial review, itself, does have the impact we seek. And it is also possible that mere constitutional provisions for judicial review do not guarantee its exercise, especially in regard to behaviors that may be perceived as threats to domestic stability or national security. It may be that a regime's judiciary reacts to the same pressures that influence the state's proclivity to human rights abuse.

Analysis of the Cold War and the Post-Cold War Periods:

Before discussing more fully the implications of these analysis, I examine, as I did in Chapter Two, the time dimension, by separating the analysis into a Cold War period and post-Cold War period. These analyses are reported in Tables 3.11 - 3.14. The results of the Freedom House-restricted analyses are reported in the first two tables. The Cold War period results produce consistent results across both models. The hierarchical system variable produces a coefficient of -.07 that is statistically significant at the .02 and .01 levels. The finality of decisions variable produces a coefficient of -.05 is statistically significant at the .07 and .08 levels. The results of the post Cold War period differ from the Cold War period in that the finality of decision variable (coefficient of -.09) is

statistically significant (.05 level) only in the Amnesty International model. In this later period model, exclusive authority (coefficient of -.13) is statistically significant in the State Department model (.01 level), as it was in the full period model. In the post Cold War period separation of powers variable (coefficient of -.09) achieves marginally significant levels of .10 and .11, as does the ban of exceptional courts (coefficient of -.07) in the Amnesty International model. Between the two periods, we again see four variables that produce an impact in at least some of the models: finality of decisions, hierarchical system, exclusive authority, and ban of exceptional courts.

---Table 3.11 - 3.12 about here---

The analyses using the Polity III-restricted data set are reported in Tables 3.13 and 3.14. The results of the Cold War period analysis of personal integrity parallel those of the Cold War period analysis with the Freedom House data set, with hierarchical system producing coefficients of .05 in the State Department model and -.06 in the Amnesty International model that are statistically significant at .07 and .05. While finality of decision achieves similarly sized coefficients to those in the Freedom House data sets, but the levels of statistical significance is less acceptable ($p < .10$ in the State Department model and $p < .13$ in the Amnesty International model). Additionally, guaranteed terms which was statistically significant in the full period Amnesty International model, continues to be so here but at the .07 level. The ban of exceptional courts, which significant at the .05 level in the full period model, is not significant at an acceptable level here ($p < .12$). In the Cold War period analysis of the civil rights variable, five variables are statistically significant between the levels .01 and .10. The three variables

with the highest statistical significance are the three that were statistically significant in the full period model: guaranteed terms (coefficient of .10 $p < .01$), exclusive authority (coefficient of .08 $p < .01$), and enumerated qualifications (coefficient of .05 $p < .06$). Additionally, when the post-Cold War years are removed, judicial review (coefficient of .05) becomes statistically significant at .07 and the finality of decisions variable becomes significant at the marginal level of .10. When the analysis is limited to the post-Cold War period the results are not very optimistic. Only enumerated qualifications produces a positive coefficient (.14) that is statistically significant (.03 level).

---Tables 3.13 and 3.14 about here---

I also returned to the judicial independence index to see if its performance changed when the two periods were separated. In the Freedom House-restricted data set, I found that in post Cold War period, the index did produce the expected negative relationship (coefficient of -.01) to personal integrity rights in the State Department model at a level of statistical significance that is marginally acceptable ($p < .09$). In the Cold War the impact remained positive instead of negative. Using the Polity III-restricted data set, the judicial independence index is produces the expected impact (coefficients of -.02 and -.01 in the personal integrity models and .03 in the civil rights model) that are statistically significant in the State Department model and the civil rights model at the .03 and .02 level, respectively.

Interactions between Judicial Independence and the Provisions for Individual Protections

In Chapter Two I argued that in order to understand fully the impact of the individual rights provisions, we need to explore the link between them and the constitutional provisions for judicial independence since the actual enforcement of these individual rights may rest upon the presence of a judiciary that is beyond the reach of the other branches of government. In this section I begin to explore these relationships. First, I looked at the interaction between the four freedoms index and judicial independence index. I created a multiplicative interaction variable, where the four freedoms index (5-point scale) was multiplied by the judicial independence index (10-point scale). Countries achieving a score of zero would have no provisions for the four freedoms or judicial independence. Countries achieving a score of 36 would have provisions for the four freedoms and the nine elements judicial independence. The measure was tested in all 5 human rights models, with eight controls variables. The measure was not statistically significant in any of the personal integrity measures, and in fact, produced coefficients that were in the wrong direction, as had the judicial independence index in the earlier analysis. The interactive measure was only statistically significant in the civil rights model, producing a small coefficient, .01 that was significant at .0001.

Next, I looked at the Chapter Two individual rights that might relate most closely to judiciary's handling of human rights--the requirement of a fair trial and the provision for public trials. If you will remember, Blasi and Cingranelli argued that public trials is itself an element of judicial independence. I had kept these provisions separate in my earlier analysis, but here I created a variable that would consider the interaction between constitutions that contain these two trial provisions and constitutions that prescribe

elements of judicial independence. To create the interactive measure I first created a measure to indicate the presence of both trials provisions; I multiplied the dichotomous public trial measure with the dichotomous fair trial measure. Thus, a country with both constitutional provisions is scored one and all other countries are scored zero. I then created a multiplicative interaction variable in which the judicial independence index was multiplied by the new public/fair trial measure. This interactive variable was then tested in controlled models. The interactive variable produced coefficients that were signed correctly in all five models. And in only one of the five models was the coefficient not statistically significant--the State Department model using the Freedom House-restricted data. In the Amnesty International model using the Freedom House-restricted data, the interaction variable produces a coefficient of -.01 that is statistically significant at .02. In the other Amnesty International model the measures produces a coefficient of -.02 that is statistically significant at .003. The other State Department model the interactive measure (coefficient of -.01) is statistically significant at .06. In the civil rights model the coefficient is again .01, $p < .05$. These results suggest that for provisions of judicial independence to have their expected impact, the provisions must be written in conjunction with the guarantee of a fair trial and a public trial.

Special emphasis has placed on judicial review as an important legal link in the protection of human rights (International Commission of Jurists 1983; Ackermann 1989; Maduna 1989; and Chowdhury 1989). It could be argued that for the promised individual freedoms to fully realized, the judiciary must have the power to invalidate the actions of the government. Conversely, it could be argued that for judicial review to be a significant

tool in the provision of human rights constitutions must provide specifically the individual rights the courts are to protect. Either hypothesis suggest that there should be an interaction between the two provisions; therefore, I created a multiplicative interaction variable for judicial review and the four freedoms index and tested it in fully controlled models. The interactive measure performed poorly, producing coefficients that were wrongly signed (personal integrity model) or statistically insignificant (civil rights model). In the original model the four freedoms index was correctly signed in all five models and statistically significant in three. Thus, it appears that provision for judicial review does not enable the four freedoms provisions' to have an impact on states' abuse of personal integrity rights. And overall, the analysis of the interactions has failed to produce an additional evidence to suggest the significance of judicial review in relation to human rights behavior.

A COMPARISON OF THE DYNAMIC EFFECTS OF THE INDEPENDENT VARIABLES

Because of the inclusion of the lagged dependent variable in my models, the independent variables in the model are expected to produce, through that variable, an additional impact on human rights behavior for several years. In Figures 3.6 and 3.7 I depict the over-time effects for the best performing personal integrity model, the Amnesty International model using the Polity III-restricted data (see Table 3.10) and the Civil Rights model (see Table 3.10). In each of the figures I depict the over-time effect of substantial changes in each of the independent variables in the model that achieved statistical significance at least at the .10 level. With the exception of two variables (per

capita GNP and population) maximum change in the independent variable from time_{t-1} to time_t is assumed--for example, a change from being the most democracy level to least democracy level. In the case per capita GNP a change of \$20,000 dollars is assumed and in the case of population a change of 10,000,000 people is assumed.

Figure 3.6 presents the Amnesty International personal integrity model. For ease of comparison, the figure assumes that independent variables cause a decrease human rights abuse. In the figure we can see that the over-time effects of each of the variables become asymptotic by the tenth lag. The figure depicts the impact of two judicial independence provisions--guaranteed terms and the ban against exceptional courts. The impact of going from a constitution without guaranteed to terms to one with guaranteed terms produces an initial decrease of .12, *ceteris paribus*, that levels off at .34. The impact of adding the ban against exceptional courts to the constitution is slightly larger, leveling off at -.42. The impact of the end of civil war (and staying at peace) produces the second largest impact, reducing personal integrity abuse by .43 and leveling off at 1.22. The impact of international war ending is about half that size, beginning at -.23 and leveling off at -.65, the third largest impact. In this model democracy produces the fourth largest impact. A country which goes from having no democracy to the highest level of democracy would eventually see an impact of -.51. The effect of a gain of \$20,000 in per capita GNP produces an impact of -.57 by the tenth lag. Going from a military regime to a military regime produces the smallest impact, -.14 by the tenth lag. A change in the population produces the largest impact, -1.39 by the tenth lag.

Figure 3.7 presents the Civil Rights model. In this model several of the variables produce identical effects; therefore, their impacts are combined into a single line. For ease of comparison, the figure here assumes that independent variables cause an increase in the provision of the rights measured in Freedom House Civil Rights index. Again, we can see that the over-time effects of each of the variables become asymptotic by the tenth lag. This figure includes three provisions for judicial independence--guaranteed terms, exclusive authority, and enumerated qualifications. The impact of adding the enumerated qualification provisions to a state constitution produces an initial impact of .05, *ceteris paribus*, that levels off at .15. The impact of adding the exclusive authority provision is in the same range, leveling off at .18 by the tenth lag. The impact of adding the provision for guaranteed terms is substantially larger, reaching .62 by the tenth lag. The impact of a change away from civil war or from international war produces the same impact as the addition of guaranteed terms. As we saw in Chapter Three the impact of democracy clearly stands out from that of the other variables, beginning with an impact of .99 that levels off at 3.05, *ceteris paribus*. Again, this impact is strong indicator of influence the democracy, as measured by the competitiveness of political participation in the country, the openness and competitiveness of executive recruitment, and constraints upon the chief executive, on the provision of the broad range of human rights included in this index. In regard to these human rights practices going a non-leftist regime to a leftist regime produces an impact of .71 and the impact of a gain \$20,000 produces an impact of .62 by the tenth lag. British colonial experience produces the same impact as the exclusive

authority constitutional provision. A change in the population by 10 million produces an impact of .22.

Overall, the impacts of some constitutional provisions are small individually, especially relative to democracy. However, in both models their combined impact would move a country three-quarters of a level to one full level closer to a better human rights. Combined their impact would be the second largest impact in the model. Once again, to put the impact in perspective, a look at the impact of per capita GNP is helpful. The combined impact of the constitutional provisions is greater than the impact of a \$20,000 increase in the state's per capita GNP in both models or ending an international war (and civil war in one model) in which that state is fighting. Again, from the perspective of Easton's exhortation for behavioral scientists to provide practical solutions, writing these constitutional provisions to protect human rights is certainly a more feasible solution than enabling a state to increase its per capita GNP by \$20,000, an amount that is the equivalent of the total per capita GNP of Canada.

CONCLUDING REMARKS

Overall, judicial independence as an overarching concept, measured in my indices, proved to only make a substantive difference in regard to the broader range of civil rights than the more limited personal integrity rights. Only when democracy was removed from the model did judicial independence matter in regard to personal integrity rights and even then the impact was substantively small. Thus, judicial independence as a whole appears to offer little protection in regard to the core right to personal integrity, without which most of the Freedom House civil rights would be meaningless. However,

there is one caveat. The relationship between judicial independence and both types of human rights has strengthened in the post-Cold War period and thus some optimism may be warranted.

Overall, as we look across the different models and time periods, we learn much more from studying the individual provisions for judicial independence than from examining judicial independence as an overall concept. This result may be in part due to the inherent problems with indices, which are often arbitrarily constructed. It may be that as improvements develop in our tools for the statistical analysis of pooled cross-sectional data, confirmatory factor analysis can be used to develop a theoretically and statistically sound index (or indices) for the analysis of judicial independence and its impact on human rights abuse.

Examining the individual provisions was only somewhat enlightening. First, several of the constitutional provisions demonstrated initial relevance to the protection of human rights, particularly the ban on exceptional and military courts and the guarantee of judges' terms of office. But when other factors were controlled, many of the provisions' impact tended to be restricted to either the personal integrity rights or the civil rights but not both. And some of the relationships are clearly time-bound. No single constitutional provision was statistically and substantively significant across all five models of human rights behavior. Three measures were not statistically significant in a single model--fiscal autonomy, separation of powers, and judicial review. Finality of decision was statistically significant in five controlled models and marginally significant in the two models. As you might recall from the earlier descriptive analysis, the finality of decision

provision was one of the most absent provisions across all constitutions, even in 1996 when we have seen so much movement toward judicial independence. Closely related to the protection against revision of decisions, is the exclusive judicial authority provision which statistically significant in the State Department model and civil rights model for the full period of time. Judges with these level of independence, who seek to protect the human rights of individuals, have a greater probability of their decisions standing than would those of judges who decisions are subject to other governmental bodies.

Two provisions were solely related to one type of human rights behavior. The hierarchical system provisions was consistently significant in the personal integrity models with the exception of the Cold War period. Blasi and Cingranelli argued that like a federal system of government, a hierarchical system of justice would increase the probability of protection against human rights abuse because it would protect against tyranny of the majority at lower levels of the courts. Of course, in the United States, we have seen this system work both for *and* against human rights, particularly in regard to the rights of slaves and African-Americans. Enumerated qualifications are statistically and substantively significant across each of the civil rights models regardless of the time period. This provisions may lead to judges that are more competent and that have been socialized to the norms of judicial independence which in turn should make them more willing and capable to withstand the incursions of the other branches upon human rights.

As I discussed earlier, the failure of judicial review to achieve significance in all but one model, is rather unexpected and leaves us with a rather pessimistic conclusion about judicial review . It is likely that judges are political actors who possess the same

values and pursue the same goals in regard to the state as do other state actors; therefore, the circumstances that lead the regime to repress may affect the judicial actor's willingness to sanction repressive behavior, especially in issues of national security. Scholars have noted that judicial review and independence are typically weakened during states of emergency--this weakness may stem from constitutional provisions, in part at least, or as Chowdhury suggests it may be from judicial restraint or a hands-off policy (131). In Latin American Grossman believes that courts have chosen to avoid ruling on the validity of emergency declarations, deferring to the other branches to decide this "political question." Therefore, it is important to test the interaction between the provisions of judicial review and judicial independence and the emergency provisions. This analysis is done in Chapter Four.

While this chapter goes a long way in exploring the impact of an independent judiciary in the role of human rights protection, like all studies, it has its limitations--many of which suggest directions for future study. First, as I have suggested above, improved indices may be an option if methods are developed that would allow confirmatory factor analysis for pooled cross-sectional analysis. Second, it must be remembered that here I am only measuring formal legal provisions and not actual fulfillment of these formal requirements. While constitutions may formally promise judicial independence, the actual exercise of judicial independence in some regimes may be difficult to achieve. A direct for future study would be to measure the actual level of judicial independence will be extremely difficult and costly. Blasi and Cingranelli have

attempted a single year, using State Department reports. This source may be the best option for the current time and would merit future exploration.

CHAPTER 4

States Of Emergency And Threats

One area of human rights study in which substantial consensus exists is the shared concern over the harmful effect of states of emergency and other crises on human rights. Political scientists have produced a growing amount of empirical evidence that suggests that periods of domestic threat and periods of international war substantially increase a regime's likelihood to repress its people (Tilly 1978; Ziegenhagen 1986; Poe and Tate 1994; Davenport 1995; Poe, Tate, Keith and Lanier 1996; Rasler 1986; Davis and Ward 1990; Alfatooni and Allen 1991). Additionally, substantial effort has been exerted in trying to find the appropriate legal standards and safeguards to protect human rights during states of emergency (for example, Fitzpatrick 1994; Grossman 1990; Chowdhury 1989; Furling 1993; Henkin and Hargrove 1994; Cea 1987). The International Commission of Jurists (ICJ) argues that constitutional provisions for states of emergency are important for two reasons: 1) regimes who resort to emergency clauses in good faith will know in advance the extent and limit of their emergency powers and 2) regimes not disposed to respect the limits of their authority may be judged by these objective criteria. The commission recommends several basic principles that constitutional provisions should follow:

- 1) The effects of states of emergency on the rights of citizens and the powers of the various branches should be clearly spelled out....At minimum constitutions should specify that emergency measures may not affect those rights recognised as non-derogable in international law.

- 2) The constitution should enumerate and define situations which justify departure from the normal legal order.
- 3) The procedure for declaring a state of emergency should be constitutionally defined, giving primary responsibility to the legislature.
- 4) The duration of the emergency should be specified....Review of the need of the emergency must thus occur at regular intervals (432-4).

Chowdhury (1989) reports the International Law Association's (ILA) Paris Minimum Standards (Section A) which are quite similar to the ICJ's recommendation. ILA standards call for constitutions that define the procedure for declaring a state of emergency, and specifically the procedures should include: 1) states of emergency are to be subject to confirmation by the legislature, 2) should be for a set time period, with any extension subject to the legislature's approval; 3) the legislature may not be dissolved during the emergency; 4) if the state is a party to a regional or international treaty, the emergency is subject to judicial or other review (13-15).

Assessments of current constitutional provisions dealing with states of emergency have been relatively pessimistic.²³ Grossman's analysis of Latin American constitutions reveals that most of these constitutions do have emergency clauses that are supposed to apply only in relatively restricted circumstances (in the case of a possible foreign attack or internal disorder that endangers the constitution), but he reports that under these declared emergencies constitutional rights may be broadly suspended. Grossman finds it difficult to assess how much the different constitutional provisions matter, but fears that the constitutional emergency provisions provide a "rationalization

for deprivation of human liberties" (188). Fruling (1993) also stresses the problem of Latin American constitutions' excessive authorization of the derogation of rights. He points to Paraguay, a country has allegedly been under siege for over forty years. Cea (1987) noted that the Chilean constitution gives the president "unilateral powers to declare state of siege or martial law nearly at will, to monitor behavior of judiciary" and to suspend most civil liberties (665).

Latin America is not the only region in which many human rights may be suspended during states of emergency. In Ethiopia most rights were derogable during declared state of emergency (Haile 1966). The International Commission of Jurists reports that almost all constitutions contain provisions that deal with states of emergency. In their survey of countries they found that 20 of the 34 countries have constitutional provisions for states of emergency, five more countries have constitutional and legislative provisions, and six have legislative provisions. The countries with constitutional provisions include: Argentina, Austria, Belize, Colombia, Cyprus, Fiji, Finland, Gabarone, Gambia, India, Malaysia, Morocco, Nepal, Netherlands, Portugal, Seychelles, Sweden, Turkey, United States, Western Samoa, Antigua, France, Papua New Guinea, Singapore, and Thailand. This is significant since the ICJ also reports that states of emergency currently exist in approximately one-fifth of the world's nations.

Davenport's (1996) study is the only systematic and comprehensive empirical test of the effects of constitutional provisions for states of emergency. However, he measures only whether or not there is a constitutional reference to states of emergency and does not explore the dimensions of the constitutional provision. Overall, I believe the standards set

out by the ILA and ICJ present the most suitable direction for improved operationalization of this variable.

Hypotheses: The more closely the constitutional provisions for states of emergency follow the international standards, the less likely the regime will be to abuse personal integrity rights. In this chapter there is a fairly strong expectation for the alternative hypothesis for at least two of the provisions. As Grossman, Fruling, Haille, and the ICJ point out, while the constitutional emergency clauses may be intended to limit incursions upon human rights during a crisis, observations would suggest that they frequently have the opposite effect. One of the constitutions clauses under study is the provision of a list of rights that may not be derogated--this implies that at least some other rights may justifiably be denied because of the special circumstances. It may be that this inference that rights may be denied during an emergency provides regimes an opening to abuse rights and may even provide the regime with a cover of legitimacy that facilitates their denial of human rights, even those that non-derogable. International Covenant on Civil and Political Rights (ICCPR) has a similar clause in Article IV that enables states parties to ignore some of their human rights commitments during "a time of public emergency which threatens the life of the nation." Officially, these derogations only relieve states of certain obligations during a "time of public emergency which threatens the life of the nation" and there certain articles of the treaty from which states cannot derogate. The party-states may not derogate from certain articles that protect rights such as the right to life, freedom of thought, conscience, and religion, and the prohibition of torture, and slavery, but of course, numerous violations of non-derogable rights have been found

(Fitzpatrick, 1994ab; Sieghart, 1983). In an earlier study I found that even though these derogations should legally suspend only a limited set of rights, the derogations do significantly increase the probability of personal integrity abuse--which includes such behavior as torture, disappearances, and political killings--behavior that is *not* legally excused by derogation (Keith 1999). In fact, because of the derogations, the states who were not parties to the treaties had better human rights scores than the states who were parties to the treaties. Thus, it may be that the even presence of an emergency clause that lists the allows derogation of any rights has an unexpected consequence--actually increasing the probability of human rights abuse by providing a cloak of legitimacy for the regime's abuse.

The second problematic provision are clauses which set a time limit on states of emergency and require states to renew their declarations. This provision may work in the same way that non-derogable rights clause works, having the unintended consequence of encouraging the extension of states of emergency. The purpose of the provision is to prevent situations in which a state of emergency is allowed to continue for so long that a permanent state of emergency evolves, such as has occurred in Uruguay where a state of emergency that was declared in July of 1979 continues (based on declarations filed in United Nations, see United Nations 1987). For example, Peru, whose constitution does limit states of emergency to 60 days and then requires a new declaration, existed in what could be described as a permanent state of emergency in the 1980s, extending its state of emergency over 30 times between 1983 and 1987 (based on declarations filed with the United Nations, see United Nations 1987). Between June 1984 and July 1985, El Salvador made 14

extensions to its states of emergency by legislative decree (based on declarations filed with the United Nations, see United Nations 1987). Pakistan, under General Zia-ul-Haq in the late 1970s and 1980s is another example of institutionalized state of emergency, despite constitutional provisions (Chowdury 1989, p.51-3).

Because these two provisions produce conflicting expectations, I use a two-tailed test of statistical significance to test their coefficients. The other two provisions which provide a legislative check on the executive is tested with a one-tailed test since there is a single strongly predicted direction for their relationship. Because the index combine the four measures, it also is tested with the more stringent two-tailed test.

OPERATIONALIZATION OF VARIABLES AND DATA SOURCES

I combine the ICJ and ILA standards into five measures:

1) **Legislative Declaration:** The procedure for declaring a state of emergency is constitutionally defined, giving primary responsibility to the legislature. This variable is coded 2) responsibility for declaring the state of emergency is given explicitly to the legislative branch, 1) states of emergency (declared by the executive) are explicitly subject to confirmation by the legislature; 0) no mention of who has the power to declare such a state, and -1) the executive branch is explicitly given the power to declare a state of emergency with no mention of a role for the legislature or courts.

2) **Duration Limited:** This variable is coded as 2) duration of the emergency is specified for a set time period and extensions are subject to legislative approval;

1) where either duration is specified or legislative approval is specified but not both; and 0) no mention of duration or extension process.

3) **Cannot Dissolve Legislature:** The variable is coded as follows: 2) the legislature may not be dissolved during the emergency or meets "by right;" 1) vague provision of legislature meeting, but no explicit prevention from dissolving the legislature (i.e. may say that legislature can prolong length of session or can reconvene 0) no mention of dissolving legislature in regard to states of emergency, and -1) automatically suspends the legislature during a state of emergency or give the executive explicit power to do so.

4) **Non-derogable Rights:** dichotomous variable where constitutions give a list of non-derogable rights or include a statement that certain rights/freedoms cannot be revoked during states of emergency (1).

5) **Impact of State of Emergency Fully Specified:** the effects of states of emergency on the rights of citizens and the powers of the various branches are clearly spelled out. This variable is measured as an additive index of the previous variables.

Additionally I replicate Davenport's dichotomous measure of whether or not the constitution mentions state of emergency. I think it is an important cross-validation to test his exact measure since his analysis covered a different time frame, set of countries, and dependent variable. The data source for these variables is Flanz's *Constitutions of Countries of the World*. (See fuller description in Chapter Two.)

DESCRIPTIVE ANALYSIS OF THE VARIABLES:

Table 4.1 reports the frequency and percentages for the level of constitutional provision for each of the four dimensions of states of emergency standards for the entire twenty-one year period. Limited duration has the largest percentage of country years to earn the highest category code--25% of the constitutions specify the duration of the state of emergency and require legislative extension (25%). The distribution of the other three dimensions into the highest category is substantially lower (only 3% provide a list of non-derogable rights, 8% ban dissolving the legislature, and 6% require legislative declaration. The only variable which achieves a substantial distribution in the intermediate range is legislative declaration --24% of the country-year constitutions called for legislative confirmation of states of emergency. For all four variables the modal category is no provision (ranging from 90% on the list of non-derogable rights to 38% on legislative declaration). Negative scores are possible for some variables, and indeed executive declaration of states of emergency is the modal category of declaration: 33% of the constitutions called for executive declaration of states of emergency without legislative ratification.

Figure 4.1 graphically depicts the same data. The most notable observation is the dominance of the no provision category. The dominance is magnified when the analysis is limited to 1976 (see Figure 4.2), but is lessened slightly when the analysis is limited to 1996 (see Figure 4.3). In 1996 we can only see other signs of improvement. Each variable has increased percentages of constitutions that contain intermediate level provision for states of emergency, but more notably the percentage of constitutions with

full provision increases substantially: cannot dissolve legislation goes 3% to 18% in the full provision category, limited duration goes from 18% to 35% in the full provision category, and legislative declaration goes from 5% to 9% in the full provision category. The mention of state of emergency variable is also graphed in the figures and the data show a steady increase over time as well.

As an initial operationalization of "full specification of the impact of the states of emergency" measure I have computed a simple additive index for the 4 emergency provisions. For these protections the index scores range from -2 to 6. Figure 4.4 compares the distribution of index values for 1976 and 1996. As with the other indexes, the distribution of the scores is skewed toward the low end in 1976 (ranging from -2 to 4) and skewed toward the upper end in 1996 (ranging from -1 to 6). The largest percentage of scores occurs at the score of zero, which demonstrates that the norm is for constitutions to not deal explicitly with states of emergencies.

In Figure 4.5 a line graph depicts the trend in the mean index score for each year across the entire twenty-one year period. The means range from .50 to 1.73. We see a much earlier and stronger upward trend in the mean of this index than with the other indices discussed in previous chapters, but still we see that 1991 starts the steepest increase.

Early diagnostics for signs of multicollinearity did not indicate a need for concern here. Analysis of the correlation between each of 4 main variables did not indicate a high level of collinearity--the strongest correlation was only .30.

BIVARIATE ANALYSIS OF THE FOUR INDIVIDUAL PROVISIONS FOR STATES OF EMERGENCY AND THE FULL SPECIFICATION OF STATE OF EMERGENCY INDEX:

I began the analysis of the states of emergencies clauses with simple bivariate analysis of each of the four provisions. The bivariate coefficients are reported in Table 4.2. The analysis using the Freedom House-restricted data set is reported in the top half of the table and the analysis using the Polity III-restricted follows in the bottom half. In the Freedom House-restricted personal integrity models, only one of the provisions produces statistically significant coefficients in the four personal integrity models--the requirement of legislative declaration of the state of emergency (coefficient of $-.02$) is significant at the $.04$ and $.08$ levels. In the Polity III-restricted personal integrity models legislative declaration again produces a coefficient of $-.02$, but the levels of statistical significance are marginal ($p < .10$ and $.14$). Again, none of the other provisions produce a statistically significant impact in the bivariate analyses. However, in individual analyses with the civil rights dependent variable, two of the variables produce statistically significant relationships--the provision for limited duration, which produces a positive coefficient ($.03$ $p < .06$) and the ban against dissolving the legislature (coefficient of $.06$ $p < .003$). The other two bivariate relationships (legislative declaration and list of non-derogable rights) achieve marginal statistical significance ($p < .11$ and $.24$).

Additionally I conducted a bivariate analysis of Davenport's explicit mention of state of emergency variable. The coefficient in the civil rights model is not statistically significant but in all four personal integrity models the measure produces positive coefficients (ranging from $.02$ to $.09$), which suggest that, other things being equal, it is

better that constitutions not even mention states of emergency. This supports the alternative hypothesis that references to states of emergency in a constitution increase the probability of human rights abuse because the reference gives the regimes an opening to claim a special circumstance to justify their actions, whether their actions actually fit the prescribed circumstances or not.

--- Table 4.2 about here ---

Finally, I conducted a initial bivariate analysis of the additive index that measures how fully specified states of emergency are in the constitutions. The index is only statistically significant in the Freedom House-restricted State Department model (.08) and the civil rights model (.002). The direction of the coefficients (-.01 for the State Department model and .03) for the civil rights model suggests that the provisions have an overall beneficial impact on human rights. While these initial analyses may provide some insight, drawing inferences is premature until we analyze the provisions in fully controlled models.

MULTIVARIATE ANALYSIS

Initial Multivariate Analysis of the Four State of Emergency Provisions:

Moving into multivariate analysis, I first combined all four state of emergency provision variables in the models. These results are reported Table 4.3 and 4.4. Even when controlling for the provisions simultaneously, the provision requiring legislative declaration of states of emergency (coefficient of -.02) continues to be the most important provision in the personal integrity models. In three of the four models it is statistically significant at the .03 to .08 levels. In the Polity III-restricted data set, it only achieves a

.17 level of statistical significance in the Amnesty International model; however, in the civil rights analysis, it produces a coefficient (.02) that is statistically significant at .06. One other provision is statistically significant in two of the five models--the ban against dissolving the legislature, which produces a coefficient of .05 ($p < .01$) in the civil rights model and -.02 ($p < .10$) in the Freedom House-restricted State Department model. Before discussing theoretical implications, I move on to present fully controlled models.

--- Table 4.3 and 4.4 about here ---

Multivariate Analysis of the Four State of Emergency Provisions in Controlled Model:

The four state of emergency provisions are analyzed in fully controlled models. These results are reported in Table 4.5 (Freedom House-restricted data set) and Table 4.6 (Polity III-restricted data set). Even when controlling for the known factors that lead to political repression, one of the constitutional provisions does consistently demonstrate a beneficial relationship to human rights behavior, the ban on dissolving the legislature. In the Freedom House-restricted data set the ban produces coefficients of -.05 (State Department) and -.03 (Amnesty International) that are statistically significant at the .003 level and the .09 level. In the Polity III-restricted data set the ban produces coefficients of -.05 in the State Department model ($p < .01$) and .05 in the civil rights model ($p < .04$). The coefficient in the Amnesty International model is not statistically significant in the Polity III-restricted data set.

A disturbing trend emerges: two constitutional provisions--the list of non-derogable rights and the provision that sets a time limit on the state of emergency or

requires the legislature to approve the extension of the state of emergency--consistently produce positive coefficients that must be interpreted as harmful effects on human rights behavior. The list of non-derogable rights produces large coefficients across all five models: .09 and .12 in the State Department models, .07 and .06 in the Amnesty International models, and -.04 in the civil rights models. In all four personal integrity models this provision is statistically significant between the .02 and .08 level, with the exception of the Polity III-restricted Amnesty International model where the level of significance is .20. These results clearly support the alternative hypothesis that a constitutional provision for the derogation of *any* right, may in fact lead to the abuse of other rights (including the right to life) which may not legally be derogated. The provision that sets the conditions for extending the time period of the state of emergency has no statistical impact in the civil rights models but produces positive coefficients (ranging from .03 to .05) that are statistically significant in all four personal integrity models ($p < .04$ to .002). This result suggests that these time period clauses may encourage the regime to readily renew states of emergency. I return to a fuller discussion of the implication of these results after further exploring these models.

--- Table 4.5 and 4.6 about here ---

In addition to testing the individual provisions, I also test Davenport's "explicit mention of state of emergency" variable. In the personal integrity models, the mention of states of emergency produces positive coefficients in each of the personal integrity models, but is only statistically significant in the Amnesty International model. In the civil rights model the mention produces a positive impact, but is not statistically

significant. These results contradict Davenport's study which found the mention to statistically significant. Davenport's study also controlled for "conflict" (a measure of domestic protest or violence), which this analysis does not. I return to this result later when I conduct analyses that control for conflict as well.

Multivariate Analysis of the State of Emergency Index:

The final multivariate model I tested is for the state of emergency index which measures how fully specified the state of emergency procedures are. The results of the analysis are reported in Table 4.7 and 4.8. The index is not statistically significant in the Freedom House-restricted personal integrity models or in the Polity III-restricted civil rights model. In the Polity III-restricted personal integrity analysis, the index produces positive coefficients (.01 and .02) which reach the .03 and .04 levels of statistical significance.

--- Table 4.7 and 4.8 about here ---

As a whole the results from the multivariate analysis of the constitutional provisions for states of emergency run counter to the expectations of the international community and their potential for protection of human rights does not look promising. Only one constitutional provision emerges as helpful in the prevention of human rights abuse--the ban against dissolving the legislature during states of emergency while two provisions emerge as producing harmful effects--listing non-derogable rights and providing for renewable states of emergency. Given the performance of these two provisions, it is not surprising then that the "explicit mention" and the states of emergency index also produce harmful effects when they are statistically significant.

Again, before exploring fully the implication of these results, I continue the analysis of the provisions by exploring the time dimension in regard to the Cold War.²⁴

Analysis of Cold War and Post Cold War periods:

As I have done in the previous chapters, I also test here for differences in the Cold War and post-Cold War periods. These analyses are reported in Tables 4.9 through 4.12. The analysis using the Freedom House-restricted data are reported in Tables 4.9 and 4.10. When I remove the post-Cold War period from the analysis I find that few significant effects from these constitutional provisions remain. There are no significant relationships remaining in the Amnesty International model and the two that remain in the State Department model are those that were positive in the full period models--limited duration and lists of non-degorable rights. However, when I limit the analysis to the post-Cold War period, we see much more evidence of an impact from the provisions; although, some of the effects from these provisions continues to be harmful rather than helpful. The ban against dissolving the legislature produces strong coefficients (-.10 and -.08) that are statistically significant at high levels (p .01 to .0001). The provision for legislative rather than executive declaration of the emergency produces smaller negative coefficients (-.03 and -.02) that are statistically significant in the State Department model ($p < .05$) but are not in the Amnesty International model ($p < .18$). The limited duration provision produces a positive coefficient (.04) in the Amnesty International model that is statistically significant at the .10 level. The list of non-derogable rights continues to exhibit a positive effect but the levels of statistical significance are more marginal here ($p < .16$ and .22.)

The Polity III-restricted data analysis is reported in Tables 4.11 and 4.12. As with the analysis of the Freedom House-restricted data, here I find few remaining statistically significant relationships when the post-Cold War period is removed from the analysis. In the remaining Cold War period, no provision is statistically significant in the Amnesty International models and only one is significant in the civil rights model. Limited duration produces a positive impact (.04) that is statistically significant at the .04 level. This provision is also statistically significant in the State Department model (coefficient of -.03 $p < .006$). In the State Department model, the ban against dissolving the legislature (coefficient of -.03) is significant, but only at the .10 level.

Once again, we achieve much more promising results in the post-Cold War model and the results parallel those of the Freedom House-restricted data set. In the personal integrity models, two provisions produce negative coefficients: legislative declaration (-.04 and -.01) and ban against dissolving the legislature (-.16 and -.06). The coefficients are statistically significant in the State Department model but do not achieve acceptable levels of statistical significance in the Amnesty International model ($p < .13$ for duration and $p < .38$ for declaration). In both the Amnesty International model and the State Department model, the non-derogable rights continue to exhibit a harmful effect on personal integrity rights, producing large coefficients (.23 and .16) that are significant between the .10 and .006 levels. Here limited duration also continues to produce a positive impact. In regard to civil rights the same patterns emerge. The ban against dissolving the legislature and the requirement of legislative declaration decrease the probability of human rights abuse (coefficients of .14 and .03). The ban is statistically

significant at the .002 level but the declaration provision only reaches the .15 level of significance. The duration provision and the list of non-derogable rights produce negative coefficients (-.06 and -.07) but only the duration provision is even marginally statistically significant ($p < .08$).

Finally, I also tested in the Cold War and post-Cold War models, the "explicit mention" variable. During the Cold War period, a mention of states of emergency increased the odds of personal integrity abuse but decreased the odds of abuse of the broader range of civil rights (coefficients ranging from .04 to .06 with probability levels ranging from .04 to .09). Thus, overall, the evidence suggests that during the Cold War period a constitution without a state of emergency clause would be preferable. In the post-Cold War period, the mention variable is statistically insignificant. This finding is most likely due to the fact that two of the provisions work to prevent human rights abuse while two of the provisions may facilitate human rights abuse.²⁵

As I mentioned earlier, there is one remaining area to explore in this analysis of constitutional provisions of states of emergencies--the relationship of threats and actual declared states of emergencies. I explore these circumstances in the final section of analysis.

ACTUAL STATES OF EMERGENCY AND OTHER THREATS

Several recent studies have demonstrated that domestic threat or internal conflict increases the probability of state repression (Davis and Ward 1990; Alfatooni and Allen 1991; Poe and Tate 1994; Davenport 1995; Poe, Tate, and Keith 1999; and Poe, Tate, Keith, and Lanier 1996). It is expected that controlling for states where these types of

threats exist, will increase the substantive and statistical significance of these constitutional provisions. Here I use Poe, Tate, Keith, and Lanier's (1997) measures of internal threats. Each of these three forms of domestic threat were found to increase substantially the probability of personal integrity abuse. The operationalization of these measures is as follows:

Organized Nonviolent Protest: is measured as a dichotomous variable where states are coded (1) when there is a situation in which a mostly unarmed opposition regularly confronts the regime over one or more of its policies using demonstrations, riots and other unconventional forms of political participation to express disagreement. The demonstrations in Panama (over the Panama Canal Treaty and the Shah of Iran's asylum) during 1979 and 1980 are examples of this type of threat.

Organized Nonviolent Rebellion: is measured as a second dichotomous variable where states are coded (1) when there is a situation in which an unarmed opposition pushes for significant change in the constitution or other political institutions through unconventional means not involving organized violent activities. The massive student demonstrations in South Korea (over political reform and military power) during 1980 are an example of a threat due to organized nonviolent rebellion. The primary difference between these two measures is that in the rebellion measure the goal of the opposition is more threatening because it pushes for broader institutional or constitutional change in contrast to the latter, in which the opposition seeks narrower, policy change.

Organized Violent Rebellion: is measured as the third dichotomous variable where states are coded one when there is a substantial organized movement which seeks

to alter the governmental system, bringing about a significant change in the Constitution or other political institutions, through armed attacks, including terrorist activities, guerrilla movements, and most attempted coups, but not full scale civil war. The terrorist activity of the Basque separatists in 1978 is an example of this type of threat.

In addition to the previous mentioned measures, I also test the impact of officially declared states of emergency, as reported by the United Nations. The U.N. has published a report of all of the states of emergency, but the report covers only a 10-year period so this analysis is more limited. The U.N. has recommended the collection of this information for a more extended period, but this task has not been accomplished at this time. This measure is a dummy variable denoting the years in which states of emergency have been declared and are reported by the United Nations.

MULTIVARIATE ANALYSIS OF INTERNAL THREATS AND PROVISIONS FOR STATES OF EMERGENCY:

In this section I use the dichotomous variables described above to control for internal threat. It is expected that as we control for these threats, we will be able to more correctly determine the impact of the constitutional provisions for states of emergency. Tables 4.13 and 4.14 report the analysis where the Poe et al. internal threats are controlled. In the analysis of personal integrity abuse, the two rebellion variables produce strong coefficients (ranging from 10 to .20) that are statistically significant between the .01 and .0001 levels. The protest measure is only statistically significant in the State Department models (coefficients of .06 and .05). In the civil rights model only violent rebellion is statistically significant (coefficient of -.10 p .0001). In regard to the

constitutional provisions we see stronger support for the patterns that had begun to emerge in the previous analyses: 1) the provision that bans dissolving the legislature reduces the probability of human rights abuse and 2) the provision listing non-derogable rights increases the probability of abuse and the provision dealing with the duration of the state of emergency increases the probability of abuse. One exception continues, the ban against dissolving the legislature is not statistically or substantively significant in Amnesty International model using the Polity III-restricted data set. In the civil rights model, the list of non-derogable variables is not statistically significant.

I continued to test the impact "explicit mention" in the models. The variable is not statistically significant in regards to the broad civil rights index and the variable continues to produce positive coefficients in the personal integrity models but they are not statistically significant).²⁶

--- Table 4.13 and 4.14 about here ---

The final model controls for declared states of emergencies that have been recorded by the United Nations. The state of emergency variable itself is only statistically significant in one of the five models (Polity III-restricted Amnesty International model) and only at the .08 level. The lack of statistical significance here may be due to the fact that states often operate under de facto states of emergency rather declared states of emergency. The same pattern reported in the above section holds in these models as well. Additionally, in the analysis of the State Department models the provision for legislative declaration produces negative coefficients (-.02) that are marginally significant (.08 and .12). Again, I checked for an impact on human rights abuse from the explicit

mention variable. Each of the coefficients was statistically insignificant except in the State Department models where the variable continued to produce positive coefficients (.06 and .07) that reached the .10 level of significance.²⁷

--- Table 4.15 and 4.15 about here ---

A COMPARISON OF THE DYNAMIC EFFECTS OF THE INDEPENDENT VARIABLES

Because of the inclusion of the lagged dependent variable in my models, the independent variables in the model are expected to produce, through that variable, an additional impact on human rights behavior for several years. In Figures 4.6 and 4.7 I depict the over-time effects for the best performing model analyzing the states of emergency provisions, the State Department model using the Freedom House-restricted data (see Table 4.6) and the best performing model analyzing the states of emergency provisions in conjunction with the threat variables, the State Department model using the Polity III-restricted data (see Table 4.7). In each of the figures I depict the over-time effect of substantial changes in each of the independent variables in the model that achieved statistical significance at least at the .10 level. With the exception of two variables (per capita GNP and population) maximum change in the independent variable from time_{t-1} to time_t is assumed--for example, a change from being the most democracy level to least democracy level. In the case per capita GNP a change of \$20,000 dollars is assumed and in the case of population a change of 10,000,000 people is assumed.

Figure 4.6 presents the State Department personal integrity model. For ease of comparison, the figure assumes that independent variables cause a decrease human rights

abuse. In the figure we can see that the over-time effects of each of the variables become asymptotic by the tenth lag. The figure depicts the impact of three states of emergency provisions--legislative declaration, the ban against dissolving the legislature, the list of non-derogable rights. The impacts of the first two provisions are identical, therefore they are represented in a single line. The impact of going from a constitution without a ban against dissolving the legislature during a state of emergency and the impact adding a constitutional provision that requires legislative declaration of a state of emergency both produce an initial decrease of .15, *ceteris paribus*, that levels off at .45. The impact of removing the list of non-derogable rights from a constitution would produce an even larger impact, beginning with a decrease of .24 that levels off to .72 by the tenth lag. The impact of the end of civil war (and staying at peace) produces the largest impact, reducing personal integrity abuse by .56 and leveling off at 1.68. The impact of international war ending is only one-fifth that size, beginning at -.16 and leveling off at -.48. Unlike the previous chapters, in this model democracy produces an impact that is comparable to the states of emergency provisions--changing from being a country with no democracy to one with the highest degree of democracy produces a decrease of .54 by the tenth lag. The effect of a gain of \$20,000 in per capita GNP produces a similar impact of -.60 by the tenth lag. The impact of the population change is 1.26. The impacts of changes in the military regime and British colonial experience variables produce the smallest impacts, -.18 and -.15 at the tenth lag.

Figure 4.7 presents the State Department Polity III-restricted model that includes controls for domestic threat. For ease of comparison, the figure here assumes that

independent variables cause an decrease in personal integrity rights. Again, we can see that the over-time effects of each of the variables become asymptotic by the tenth lag. This figure includes three provisions for states of emergency--the ban against dissolving the legislature, the list of non-derogable rights, and the duration clause. The impact of going from a constitution without a ban against dissolving the legislature during a state of emergency reduces personal integrity abuse by .51 at the tenth lag. The impact of losing a constitutional provision that deals with the duration of a state of emergency produces an impact that levels off at -.28. The impact of removing the list of non-derogable rights from a constitution would produce the largest constitutional impact, beginning with a decrease of .26 that levels off to .74 by the tenth lag. The impacts of the two of the domestic threat measures (the two rebellion measures) are rather substantial. Change to the absence of non-violent rebellion and the change to the absence of violent rebellion produces impacts that level at -.48 and -.45 by the tenth lag. The impact of a change to the absence of non-violent protest produces a decrease in abuse of .17 by the tenth lag.

The impact of the end of civil war (and staying at peace) produces the largest impact, reducing personal integrity abuse by .54 and leveling off at 1.53. The impact of international war ending is only one-fourth that size, beginning at -.15 and leveling off at -.42. Unlike the previous chapters, in this model democracy produces an impact that is comparable to the states of emergency provisions--changing from being a country with no democracy to one with the highest degree of democracy produces a decrease of .51 by the tenth lag. The effect of a gain of \$20,000 in per capita GNP produces a similar impact of -.57 by the tenth lag. The impact of the population changing by 10 million people is

-.99. The impacts of changes British colonial experience variables produce the smallest impact, -.11 at the tenth lag.

Overall, the impacts of some constitutional provisions are larger here than in any of the previous chapters, especially relative democracy. Additionally, in both models their combined impact would move a country one and one-half levels closer to better human rights. Combined their impact would be the second largest impact in the model. Once again, to put the impact in perspective, a look at the impact of per capita GNP is helpful. The combined impact of the constitutional provisions is greater than the impact of a \$20,000 increase in the state's per capita GNP in both models or ending an international war (and civil war in one model) in which that state is fighting. Again, from the perspective of Easton's exhortation for behavioral scientists to provide practical solutions, writing, or even deleting these constitutional provisions in two instances, is certainly a more feasible solution than enabling a state to increase its per capita GNP by \$20,000, an amount that is the equivalent of the total per capita GNP of Canada, and is clearly more feasible than eliminating 10 million persons.

CONCLUDING REMARKS

In regard to the states of emergency provisions the analysis reveals a much more consistent pattern in the relationship between constitutional provisions and human rights practices than ones found in the previous chapters. Overall, the results are not very promising for those who work to improve human rights protection through the law. Of the provisions, the requirement of legislative declaration generally has no observable impact when other factors are controlled. However, it does produce the expected impact

in the post-Cold War period. Banning the dissolution of the legislature during a state of emergency performs consistently as we would expect. This provision apparently provides a counter-balance to the executive's power in regard to human rights. While legislatures do not always act to preserve human rights, this finding does suggest the legislative branch, the branch traditionally closer to the people, can under certain circumstance provide an important check on human rights abuse.

Finally, two provisions have consistently increased the probability of human rights abuse rather than decreased the probability: the provision that lists non-derogable rights and the provision that requires renewal of states of emergency. This finding suggests that the provision of a list of rights that may not be derogated (and the concomitant inference that at least some other rights may justifiably be denied) may in fact give the regimes a opening and an excuse to abuse rights that are *not* legally derogable under the constitution. Additionally, the provisions which set a time limit on states of emergency and require states to renew their declarations also appear to have the unintended consequence of actually encouraging the extension of states of emergency.

Because of the impact of these two provisions, it is not surprising, that the impact of the state of emergency index and the explicit mention of states of emergency in the constitutions increased rather than decreased the probability of human rights abuse when they were statistically significant. Again, this suggests that overall the constitutional provisions dealing with states of emergency have a damaging impact.

If we just limit our focus to the current time period, the period of post-Cold War constitutions, we find consistently that these two problematic provisions continue to

increase the probability of human rights abuse, while the two measures that provide for the state's legislature having a counter-balancing role to the executive tend to decrease the probability. Thus, two of the four provisions that ILA and the ICJ recommend do have their intended effect, but two of the provisions have exactly the opposite impact. Overall, it appears that the legislature may be a more powerful counter-balance than an independent judiciary. I return to this question in Chapter Six.

While this analysis does provide considerable insight into the impact of constitutional states of emergency provisions, there remain two other forms of law that are related to states of emergency and other threats. One area remains a target for future research--domestic terrorist and emergency laws, which often weaken and sometimes completely counteract constitutional provisions. The other area, international human rights law, is the subject of the next chapter.

CHAPTER 5

International Covenant On Civil And Political Rights²⁸

During the fifty years following the signing of the United Nations Charter, the body of international human rights law grew dramatically. The high level of formal acceptance of these international agreements suggests substantial progress towards universal recognition of human rights norms. However, the impact of the agreements on actual human rights behavior remains unclear. An optimist would expect that a state's ratification or accession to these agreements would signal the state's willingness to be guided by the documents' principles, and an optimist would expect that the monitoring mechanisms of these documents would promote the implementation of these rights into national policy. In fact, the effectiveness of these instruments has been questioned by some scholars who emphasize that the monitoring mechanisms are inherently weak and that the instruments primarily serve promotional or socializing functions (Donnelly, 1989, 1986; Forsythe, 1985, 1991; Opsahl, 1995; Ramcharan, 1989; and Robertson, 1981). Furthermore, scholars have shown that multiple internal factors contribute to a state's behavior in regard to human rights (for example, see Davenport, 1995, 1996; Dixon and Moon, 1986; Poe and Tate, 1994; Poe, Tate, and Keith, 1997; Poe, et al., 1996; Henderson, 1991, 1993; Moon and Dixon, 1992; Mitchell and McCormick, 1988). It may be these extra-legal factors, such as civil war or scarcity of economic resources, which make compliance with the international agreements difficult for some parties.

These caveats raise some vitally important questions for those who are concerned with the promotion and protection of human rights. Is the optimism generated by the evolution of international human rights law unrealistic? Are efforts to get nations to formally accept these documents misdirected? Would it be better to direct efforts and resources toward changing the internal factors that either weaken the state's willingness to respect human rights or impede the state's ability to protect human rights? This study is a continuing effort to address these questions. In a previous study I tested empirically, for the first time, the hypothesis that becoming a party to an international human rights agreement makes a difference in a state's actual human rights behavior (Keith 1999). In this study I extend the analysis to cover three additional post-Cold years and I expand the analysis to cover domestic threat.

Two types of statistical analysis provide the basis of the test of whether the covenant makes a difference. First, a statistical test of significance is performed on the difference of means in the human rights behavior of 178 states. This comparison is based on whether the states have or have not become parties to the United Nations International Covenant on Civil and Political Rights. A test of the difference in the parties' behavior before and after joining is also conducted. Second, a multivariate, pooled cross-sectional time-series analysis tests the impact of joining the agreement, while controlling for factors known to contribute most to human rights behavior.

THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

The contemporary history of the development of human rights goes back to the United Nations Charter. Even though the UN charter has been described as 'a constitution

without a bill of rights and with only a mention of human rights' (Forsythe, 1989, 10), the Charter does list among the UN's purposes, "promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion." Overall, though, its references to human rights are rather infrequent and vague, and most of its provisions dealing with human rights are largely promotional or programmatic in character (Alston, 1995; Forsythe, 1991; Ramcharan, 1989; Steiner and Alston, 1996). This lack of specificity led to immediate efforts to rectify the problem. The first result of these efforts was the Universal Declaration of Human Rights, adopted in 1948 by the General Assembly, which covers simultaneously a large range of economic, social and cultural rights as well as traditional civil and political rights. This document served as a springboard for the two principal international human rights treaties that were opened for signature in 1966 and went into force in 1976: the International Covenant on Economic, Social, and Cultural Rights and the International Covenant on Civil and Political Rights.

The Civil and Political Rights Covenant includes and elaborates upon most of the parallel rights enumerated in the Universal Declaration. While it does not include the right to own property or the right to asylum, it does include additional rights such as the right to self-determination and certain cultural rights for ethnic, religious, and linguistic minorities (Weston, 1992). The covenant establishes a Human Rights Committee of eighteen elected experts who study reports of the individual state's efforts to guarantee the rights included in the covenants. The committee also has the power to investigate and make recommendations concerning one state party's allegations about another state party's violation of the treaty; however, this power is contingent upon both states' expressed

recognition of the committee's power to do so.²⁹ If the states have joined the Optional Protocol, the committee may also make recommendations based on complaints from individuals. The Economic, Social, and Cultural Rights Covenant includes and elaborates on most of the parallel rights which were enumerated in the Universal Declaration; however, this covenant generally requires only that the states parties take steps *toward* achieving the rights recognized in the covenant. As with the political rights covenant, this covenant also requires that the states parties make reports of their progress in working towards achieving these rights. As of January 1998, 140 states had ratified, acceded or succeeded to the International Covenant on Civil and Political Rights and 92 states had ratified or acceded to the Optional Protocol. And 137 states had ratified or acceded or succeeded to the International Covenant on Economic, Social, and Cultural Rights.³⁰ Thus, close to three-quarters of the world's nation-states have legally recognized a comprehensive set of human rights and have pledged to take appropriate action to protect or provide these rights.

While each of these documents is important in the overall progress of international human rights law, I have chosen for this initial effort to focus on the impact of the International Covenant on Civil and Political Rights (ICCPR). Both theoretical and practical considerations drive this choice. The Universal Declaration of Human Rights was not chosen for the analysis since the formal acceptance of this resolution has been nearly universal, and thus would offer too little variance for statistical analysis. And while the International Covenant on Economic, Social and Cultural Rights, arguably, is as important as the International Covenant on Civil and Political Rights as a human rights document, it

was not chosen because of the significant caveat that states are only required to make some effort (relative to their available resources) to move *toward* achieving these rights.

Additionally, the broad range of rights promoted in this agreement is much more difficult to measure objectively than are the civil and political rights that are guaranteed in the ICCPR. Finally, from the perspective of political science, my goal is to add to the growing body of comparative literature that has focused on explaining one of the severest forms of human rights abuse, the abuse of personal integrity rights--rights which are clearly protected in the International Covenant on Civil and Political Rights. This study is a continuing effort to explore the impact of law, domestic or international in a global study of personal integrity abuse.

The Covenant's Implementation Mechanisms

The two primary mechanisms of the covenant are its reporting procedures and its interstate complaints procedures. Article 40 of the International Covenant on Civil and Political Rights requires that states parties submit reports to the Human Rights Committee on “the measures they have adopted which give effect to the rights recognized [in the covenant] and on the progress made in the enjoyment of those rights.” The committee then examines the reports and submits general comments to the states parties. Article 41 provides the option of an interstate complaint mechanism, but before states parties may file a complaint against another state party, both states must have exercised the option of making a declaration of their recognition of the committee's jurisdiction to consider interstate communications. The Covenant's Optional Protocol, adopted as a second treaty and also entering into force in 1976, provides procedures by which individuals may petition

the Human Rights Committee in regards to violations of their rights under the covenant.

Scholarly evaluation of these procedures has been somewhat pessimistic.

Scholars have questioned the value of the reports on several dimensions. First, since the reports are filed by the state's own officials, it is rather unlikely that the reports will be totally objective accounts of state's behavior (Robertson, 1981; Steiner and Alston, 1996). In fact some reports, such as those of the Soviet Bloc states, have made claims to human rights protection that were almost certainly exaggerated, and other reports basically have been meaningless extracts of constitutional provisions rather than reports of actual state behavior (Donnelly, 1986, 1989). Second, scholars point to the large number of states that remain delinquent or that, at some point, have been late in filing their reports to the committee (Donnelly, 1986, 1989; Opsahl, 1995). The Human Rights Committee's 1996 report noted that at that time 86 states (two-thirds of the states parties) were in arrears on their reports.³¹ Some state reports are more than 12 years overdue. According to the 1996 report, 14 states parties were overdue on 2 or more reports as of July, 1996. For example, the committee reports list that Syria has three reports overdue (one report 12 years overdue) and that Gambia and Suriname each has 3 reports overdue (one report each over 11 years overdue), despite over 20 reminders from the committee.³² Still, despite these instances of late reports, the majority of states parties generally *have* cooperated and have taken their reporting obligations seriously, with many of them producing substantially improved reports over their initial efforts (McGoldrick, 1991; Opsahl, 1995).

The impact of the committee's examination of the reports and subsequent comments has also been questioned. Rather than dealing with individual or specific violations, the

committee is authorized to address comments to the states parties generally. And more importantly, the committee cannot compel states to take action in response to its comments (Donnelly, 1986; Opsahl, 1995; Robertson, 1981). However, the examination process usually extends over several sessions, in which state representatives sometimes must field hundreds of questions--thus proving to be a more substantive process than the reports themselves (Opsahl, 1995). As Donnelly (1986, 610) has noted, the questioning during these sessions often is penetrating, and "the state representatives often are fairly responsive; and the questioning, by diplomatic standards at least, is neither excessively deferential nor merely pro forma". And the fact that all states have sent representatives to participate in these sessions demonstrates the seriousness with which the states view the committee and this process (McGoldrick, 1991:500). While McGoldrick has observed that it is very difficult to provide "positive evidence that the existence of the Covenant and the work of the HRC is having any concrete and positive effect on human rights positions in the States parties," he has noted that "many of the State representatives that have appeared before the HRC have stated that the Covenant and the work of the HRC have played an important role at the national level" (McGoldrick 1991, 504). And even Donnelly, who remains skeptical of the agreement's impact, concedes that in some instances, the process may have provided parties an occasion for "genuine review and reexamination of national laws, policies, and practices" or may have led to at least minor changes in national law (Donnelly, 1986, 610).

The committee's examination of interstate complaints under Article 41, which in the original draft of the covenant was intended to be the principal mechanism of implementation, ultimately was reduced to an optional procedure that requires both state

parties to declare recognition of the committee's power to consider such complaints (Robertson, 1981). Even though, as of July 1996, 45 states had made declarations, the procedure has not yet been used (Human Rights Committee, 1996). And, because of the fragile nature of interstate relationships, it is most likely that procedure will not be used at all (Opsahl, 1995, 420).

The Optional Protocol to the Covenant represents a significant advance for the international protection of human rights in that through it, states parties "recognize the competence of the Committee to receive and consider communications from individuals subject to its jurisdiction who claim to be victims of a violation by the State Party on any of the rights set forth in the Covenant."³³ The committee is required to inform the state of the complaint and the state then is given up to six months to respond to the committee with written clarification or explanations and notification of remedies, if any have been taken. The committee examines the complaint and the state's communications in closed meetings and then forwards its "views" to the relevant states and individuals.³⁴ In practice the committee has made public the text of its final decisions. The individual complaints procedure has been criticized because it lacks a follow-up procedure by which the committee's views are translated into a binding decision. Instead, under the Protocol, the case is effectively closed once the committee's communications are forwarded to the parties. The only pressure on the state party to comply with the committee's views must come from the moral authority of the committee and the publicity generated by the process, and thus far, the committee has not been able to generate much public interest or awareness (McGoldrick, 1991; Opsahl, 1995). Additionally, the effectiveness of the protocol has been

questioned because the entire individual complaints process relies on the individual's ability to get information to the committees--which would tend to require the unlikely cooperation of the offending state itself. And of course, from a practical standpoint, the states most likely to abuse human rights are the ones least likely to become a party to the protocol (Donnelly, 1986, 611).

Thus, in the assessment of the covenant and its protocol, it appears that on one hand there is a general consensus that the main weakness of these treaties is that they contain only limited implementation power that relies on voluntary compliance. On the other hand, there also is consensus that the strength of the international agreement lies in its ability to declare international norms of human rights, its ability to generate information about state human rights policies and actual behavior, and its ability to direct world attention to abuses. Whether the strengths of the covenant are substantial enough to produce an observable impact on actual human rights behavior remains unknown. The following analysis attempts to assess empirically these conflicting expectations.

ANALYSIS OF THE DIFFERENCE IN HUMAN RIGHTS BEHAVIOR IN PARTY-STATES AND NON-PARTY STATES:

If international human rights agreements do make a difference, we would expect that the impact of formal acceptance of the International Covenant on Civil and Political Rights would be found in two comparisons. First, states that are parties to the covenant would be more respectful of human rights than states that have not become parties to the treaty. Second, after becoming a party to the agreement, the behavior of the state would improve over its own former behavior. The formal and highly visible commitment should

make the state more willing to improve its performance. And the reporting and recommendations procedures of the instrument could provide additional information that would help the state evaluate and improve its behavior. Even if a state that already respected human rights at a high level became a party to the agreement for symbolic purposes, we still might expect that the heightened visibility and the reporting procedures would help the country continue to monitor and improve its behavior.³⁵

Conversely, several arguments could be made to support the null hypothesis that becoming a party to the agreement would not result in a significant difference in behavior. First, as we have already discussed, it could be argued that the implementation mechanisms of this covenant are too weak to bring about the compliance of unwilling regimes (Donnelly, 1989; Farer, 1987). Second, we would not expect a difference in behavior should a state formally join the agreement for reasons other than actually intending to change its behavior. For example, a state may join the agreement to deflect foreign criticism (Forsythe, 1985), or the state may be coerced into joining the agreement by more powerful nations (Donnelly, 1989). Third, internal factors may interfere with the state's intentions to respect human rights. These factors might include variables such as international and civil war or population and economic constraints--factors which have been shown to negatively affect human rights protection (Davis and Ward, 1990; Henderson, 1991, 1993; Mitchell and McCormick, 1988; Poe and Tate, 1994).

GROUPS OF COMPARISON:

The groups whose behavior I wish to compare are 1) those states which have become a party to United Nations International Covenant on Civil and Political Rights and

2) those states which have not. The International Covenant on Civil and Political Rights was adopted by the General Assembly of the United Nations on 16 December 1966 and entered into force on 23 March 1976. Appendix A lists the parties to the treaty for the time-period under study (a total of 137 parties). In this analysis, states that either have formally ratified or have made accession to the treaty have been coded as states parties to treaty (1). Those states that have not taken any form of legal action toward the treaty have been coded as (0). Additionally, those states that have signed but have never formally ratified the treaty are non-party states since the treaties are not legally binding upon them.

The Optional Protocol to the International Covenant on Civil and Political Rights was adopted separately but entered into force on the same day as the full covenant. This agreement is included in this analysis because presumably adherence to this document would signal an even stronger commitment to human rights and because adherence to this document would make the state subject to more comprehensive reporting and complaints procedures. Appendix B lists the parties to this treaty during the time period under study (a total of 89 states). The coding for this document follows identically the rules previously described for the main document.

Measuring the Promised Human Rights Behavior:

For this study, the perfect measure of human rights behavior might include an indicator of *each* right that is protected in this treaty. According to a list prepared by Donnelly (1993, 9), the International Covenant of Civil and Political Rights protects a total of 27 rights categories. These rights range from the right to life to the right of protection against debtor prison, from the right to protection against slavery to the right of special

protection for children, and from the right of protection against torture to the right to marry and found a family. It would be extremely difficult to gather data that could adequately measure *each* of these of rights. Here, I continue to use the two standards-based indices: the Freedom House Political and Civil Rights indices (McColm, 1990) and Stohl et al.'s Personal Integrity measure (Stohl, Carleton and Johnson, 1984; Stohl and Carleton, 1985; Stohl et al. 1986; Gibney and Stohl, 1988; Henderson, 1991, 1993; Poe, 1991, 1992; Gibney, Dalton and Vockrell, 1992; Poe and Sirirangsi, 1993, 1994; Poe and Tate, 1994; Poe, Tate, and Keith 1999).

The personal integrity measure gathered by Stohl et al. does not fully cover the rights protected under this treaty since it focuses on a narrow set of human rights violations: political imprisonment, torture, and killings or disappearances. However, the measure does cover those abuses that are considered to be the most "egregious and severe crimes against humanity," and the ones that represent abuses that 'are the sort that usually can be avoided' (Poe and Tate, 1994, 854).³⁶ More importantly, this index covers the core guaranteed rights -- those that would have to be fulfilled in order for the provision of the other rights to be meaningful.

The Freedom House Civil Rights index is comprised of a comprehensive list of thirteen civil liberties and the Freedom House Political Rights index includes nine criteria covering a broad range of political rights that relate to elections, participation, and self-determination (McColm, 1990). A substantial number of the rights protected in the International Covenant on Civil and Political Rights are included in the Freedom House Political and Civil Rights index.³⁷ Testing the hypothesis across both the personal integrity

and the Freedom House indices should increase the validity of this analysis and strengthen our confidence in the inferences we draw.

BIVARIATE ANALYSES:

My first statistical comparison specifically tests the expectation that those states that have become a party to this treaty will respect human rights more than those states that have not legally accepted the document. For this analysis, a mean was calculated for each of the two groups (states parties and non-party states) on each measure of human rights behavior: 1) Freedom House a) Political Rights and b) Civil Rights; and 2) the Stohl et al. a) State Department and b) Amnesty International based Personal Integrity Rights measures. For each of the four measures a t-test of statistical significance is performed on the difference of means of the two groups.

Table 5.1 reports the results of the analysis. The Freedom House measures of Political and Civil Rights for the period of 1976-96 are presented first. When we compare the means of the states which are parties to the International Covenant on Civil and Political Rights (ICCPR) with non-party states, we find that, on average, the states parties to the treaty have levels of political and civil freedom that are about one level better than non-party states--a mean difference of .91 on civil rights and 1.08 on political rights ($p < .0001$). Parties to the treaty achieve a mean of 4.32 and 4.42 on civil and political freedoms, respectively; whereas, non-party states achieve means of 3.41 and 3.34. Also, as we would expect, the states that are parties to the more stringent Optional Protocol exhibit the best levels of freedom (with a mean of 4.97 and 5.17 on the civil and political rights indices). Additionally, the difference of means based on becoming a party to the protocol is rather

large, equal to between a one and one-half level to one and three-quarters level difference (1.53 for civil rights and 1.80 for political rights). In addition to being substantively significant, each of the difference of means is statistically significant at least at the .0001 level. The analyses of these two measures of freedom clearly indicate support for the hypothesis that parties to the International Covenant on Civil and Political Rights will behave better than non-parties.

--- Table 5.1 about here ---

However, the results of the difference of means tests for the personal integrity rights measures, which are presented in the second half of Table 5.1, do not support the hypothesis. The analyses of both personal integrity rights measures produce differences that are not statistically significant. In the regard to the measure based on the Amnesty International reports, the states parties to the ICCPR do exhibit a lower level of personal integrity abuse than non-party states, but the difference is basically equal to zero (-.01) and the difference of means using the State Department-based measure is also small but in the wrong direction (.04), meaning that non-party states behave slightly better than states parties. As with the Freedom House based analysis, when the behavior of the parties to the Optional Protocol is compared with states that are not parties to the Protocol, the states parties do demonstrate a somewhat better level of behavior (differences of -.31 and -.38) that are highly statistically significant ($p < .0001$).

The lack of significant results with the personal integrity measure led me to wonder whether the states parties group had been contaminated by the inclusion of states parties who had made derogations from the covenant. Article 4 enables states parties to ignore

some of their human rights commitments during “a time of public emergency which threatens the life of the nation.” Officially, these derogations only relieve states of certain obligations and only during a “time of public emergency which threatens the life of the nation.” The states must officially inform the United Nations of its intention to use the clause, from which provisions it is derogating, and the reasons for the derogation. The states may not derogate from certain articles that protect rights such as the right to life, freedom of thought, conscience, and religion, and the prohibition of torture, and slavery, but violations of non-derogable rights have been found in many cases (Fitzpatrick, 1994ab; Sieghart, 1983).³⁸

It may be that in these situations, the regime perceives or experiences a domestic or internal threat that is so serious that it outweighs any previous international legal commitments. Sri Lanka and Peru come to mind as potential examples of such circumstances, with both of these states seeing a dramatic rise in domestic terrorist activity (by the Tamil United Liberation Front and *Sendero Luminoso*, respectively) and a concomitant rise in political repression. A separate analysis was conducted in which the states that derogated from the treaty were moved into the group of non-party states for the years in which they had officially notified the UN of their derogation. The results are also reported in Table 5.1. When this adjustment is made, the difference between states parties and non-party states personal integrity abuse increases substantially over the original differences (mean differences of .13 and .20 on Amnesty International and State Department measures respectively) and become statistically significant at acceptable levels ($p < .001$ and $.0001$). This result points out a substantively important and unfortunate

consequence of allowing this accommodation. Even though these derogations should legally suspend only a limited set of rights, this analysis shows that the derogations have a significant impact on personal integrity abuse--which includes such behavior as torture, disappearances, and political killings--behavior that is *not* legally excused by derogation.

As a whole, the results of these analyses offer only moderate support for the hypothesis that states which are parties to human rights treaties respect human rights more than non-party states. The effect is much clearer when looking at the broad range of civil and political rights measured by Freedom House than when looking at the more limited set of personal integrity rights. While these analyses have been limited to comparing parties to the treaty with non-party states, a more direct analysis would compare a state's behavior prior to the joining the treaty with its behavior after becoming a party to the treaty.

ANALYSIS OF THE STATE'S BEHAVIOR BEFORE AND AFTER BECOMING A PARTY TO THE TREATY:

The second set of analyses tests whether there is an observable difference in a state's behavior after becoming a party to the treaty. A t-test of the difference of means on each human rights score was calculated to compare each state party's behavior during the two years prior to becoming a party to the treaty with its behavior over four subsequent periods: 1) the first two years after joining the treaty, 2) the first four years after joining, and 3) the third and fourth year after joining. The Freedom House and Personal Integrity scores to cover these years were available for 70 states parties (first test) and 62 states parties (second and third tests). These results are reported in Table 5.2. In none of the

comparisons of personal integrity rights do states parties achieve a statistically significantly higher score in the years following their joining the treaty than in the ones before. In the first comparison (two years before becoming a party compared with the first two years under the treaty) we find that the states earn better human rights scores after becoming a party to the treaty (means of 2.27 and 2.26 compared to 3.01 and 3.00) but the difference (.72 and .74) is statistically significant only at the .15 level. In the other comparisons, which include later years under the treaty, the difference is near zero and sometimes shows a slightly higher level of protection before becoming a party. The comparison of means in the civil rights index produces only small differences (.01, .06, and -.09) and only the difference of means in the first analysis demonstrates any improvement in the states' behavior. Again none of the difference are statistically different from zero.

Only the comparison of the political rights means produces differences that are statistically different from zero: in the first analysis there was a difference of .43 ($p < .06$) between party states and non-party states; in the second analysis there was a difference of .47 ($p < .03$) between states parties and non-party states; and in the third analysis there was a difference of .53 ($p .04$) between party and non-party states. The differences of roughly a half a point in a 7-point scale are not very large.

--- Table 5.2 about here ---

Overall, this second test does not provide much support for the hypothesis that human rights behavior improves significantly after states becoming parties to the treaty. The lack of difference may be due to the possibility that a state's change in behavior precedes its formal adherence to the treaty, especially if the state was involved in a long

ratification process. However, the optimistic expectation was that the reporting procedures and committee recommendations would enhance even the state's ability to implement these rights. Still, the limitations of the data analysis prevent us from drawing firm conclusions. Both comparisons of means (party and non-party differences and before-and-after differences) provide only an initial exploration of the hypothesis that International Covenant on Civil and Political Rights makes a difference in human rights behavior. The next step is to explore the question in a full multivariate analysis -- one that can gauge the effect across both space and time.

MULTIVARIATE ANALYSIS:

While the previous tests have offered an important initial exploration of the research hypothesis, these bivariate tests cannot account for the possibility of a distorting influence from other variables (Lewis-Beck, 1980, 47). Therefore, these results may not lead us to find a relationship between the treaty and human rights behavior when in reality there is a relationship. The next analysis continues to employ the personal integrity and Freedom House civil rights multivariate models.

The results of the multivariate analysis are reported in Tables 5.3 and 5.4. In the personal integrity models, the effect of being a party to the international covenant produces coefficients in the opposite direction of the hypothesis (coefficients are ranging from .03 to .06). If coefficients had been in the expected direction, three of the coefficients would be statistically insignificant at acceptable or marginally acceptable levels (.004 to .08). In the analysis using the broader measure of human rights behavior, the effect of being a party to

the international agreement does produce a coefficient in the expected direction (.04) that is statistically significant at the .04 level.³⁹

--- Tables 5.3 and 5.4 ---

Since my initial bivariate analysis had demonstrated a stronger impact from the more stringent document, the Optional Protocol, a parallel model was used, substituting in place of the ICCPR variable, a dummy variable designating parties to the Optional Protocol. The results of these analysis are reported in Tables 5.5 and 5.6. In both of the State Department models, the protocol variable is signed in the positive direction (coefficients of .03 and .05 $p < .04$ and .20). In the Amnesty International models, the coefficients are signed in the expected direction (-.03 and -.01) but are not statistically significant at acceptable confidence levels ($p < .35$ and .18) . Even, in the civil rights model, the protocol variable is statistically insignificant. Thus, even the impact of the more stringent document disappears when controlling for other factors such as the level of development, political democracy, threats, and so forth.

--- Tables 5.5 and 5.6 about here ---

Since the early bivariate analysis had also demonstrated the contaminating effect of including derogators, another multivariate analysis was performed in which derogating states were controlled by adding a dummy variable in which country years were coded one when party states had derogated from the treaty. These results are reported in Tables 5.7 and 5.8. In all five models the derogating state variable has a strong harmful impact that is larger than the international war coefficient in 4 of 5 models. The coefficients range from .24 to .27 in the personal integrity models and the coefficient is -.15 in the civil rights

model. Each of the coefficients is statistically significant at acceptable levels. Controlling for the derogations, does not affect the direction of the treaty variable in any of the models, but it does reduce the level of statistical significance in Polity-III restricted models. In the civil rights model, being a party to the treaty does continue to have the expected positive impact that is over three times as large (.15 compared to .04) as when I did not control for derogations.

--- Tables 5.7 and 5.8 about here ---

I conducted a second analysis to see if I could control more clearly for the derogating states. Here, the ICCPR variable was recoded so that those years in which a state derogated from the covenant were coded as 0 rather than 1. The results are reported in Tables 5.9 and 5.10. When the variable was recoded in this manner, being a party to the treaty does in fact have a negative impact on human rights abuse (ranging from -.01 to -.03) in 3 of the personal integrity models; however, the results are still statistically insignificant in all four models. In the civil rights model the transformed treaty measure produces a coefficient that is about twice the size of the original coefficient (.07 compared to .04) .

As a whole, the results of these analyses offer little support for the hypothesis that states that become parties to human rights treaties respect human rights more than those who have not. From the results of these analyses derogations to the treaty clearly leads to an increased probability of human rights abuse; however, as the analysis has shown, derogations alone cannot account for the fact that states that are party to the International Covenant on Civil and Political Rights are just as likely (if not more likely) to commit personal integrity rights abuse as non-party states; however, when we look at the broad

spectrum of rights covered under the Freedom House index, we do find some evidence that being a party to the treaty does increase the probability of human rights protection.

--- Tables 5.9 and 5.10 about here ----

Following the pattern of the previous chapters, I have also tested for differences related to the end of the Cold War and the concomitant creation of many new constitutions. The International Covenant on Civil and Political Rights often served a guide for these new constitutions. It is therefore expected that we will see a stronger impact from the treaty in the post-Cold War period. These results are reported in Tables 5.11 through 5.14.

The results of this analysis offer little additional insight. Being a party to the treaty continues to produce the unexpected positive coefficients in the personal integrity models across each of the time periods and data sets. And in the civil rights model, being a party continues to increase the likelihood of the provision of human rights. The impact is larger in the post-Cold War period (coefficient of .12 compared to .06 in the Cold War period and .04 in the full time period). As a whole, the results of these analyses offers only qualified support for the hypothesis that states that become parties to human rights treaties respect human rights more than those who have not.⁴⁰

A COMPARISON OF THE DYNAMIC EFFECTS OF THE INDEPENDENT VARIABLES

Because of the inclusion of the lagged dependent variable in my models, the independent variables in the model are expected to produce, through that variable, an additional impact on human rights behavior for several years. In Figures 5.1 I depict the over-time effects for the only model in which being a party to covenant was statistically

significant, the Freedom House Civil Rights model for the post-Cold War period (see Table 5.14). In the figure I depict the over-time effect of substantial changes in each of the independent variables in the model that achieved statistical significance at least at the .10 level. With the exception of two variables (per capita GNP and population) maximum change in the independent variable from time_{t-1} to time_t is assumed--for example, a change from being the most democracy level to least democracy level. In the case per capita GNP a change of \$20,000 dollars is assumed and in the case of population a change of 10,000,000 people is assumed. For ease of comparison, the figure assumes that independent variables cause a decrease human rights abuse.

In the figure we can see that the over-time effects of each of the variables become asymptotic by the tenth lag. The impact of going from a being a non-party state to a party of the covenant produces an initial decrease of .12, *ceteris paribus*, that levels off at .31. This impact is the equivalent to that of a change from a military to non-military regime; therefore, the impacts are presented as a single line. The impact is similar to the that of change in civil war, with an impact of .36 at the tenth lag. The impact of international war ending is much larger than ending a civil war, beginning at .42 and leveling off at 1.07--the third largest impact in the model. A change from no democracy to the highest level of democracy produces the largest impact in the model, beginning at 1.08, and leveling off at 2.76. The substantial change in population produces the second largest impact, a decrease of 1.25 by the tenth lag. The effect of a gain of \$20,000 in per capita GNP and the effect of changing from a leftist regime to a non-leftist regime produces the third largest impacts, 1.02 by the tenth lag. The impacts of a change in British colonial

experience is negligible and theoretically impossible. Overall, the impact of the covenant is small relative to those of other variables in the model and relative to the constitutional variables in the previous chapters. Still its impact in the model is comparable to that of changes in civil war and military regime.

INTERACTIONS BETWEEN THE INTERNATIONAL COVENANT AND DOMESTIC LAW

Parties to the covenant agree to make changes in domestic law that will facilitate the protection of the appropriate human rights. Thus, the treaty's impact is dependent upon party state's domestic law. For example, a party state make changes insuring an independent judiciary might be more likely to increase its protection of human rights. And a state which adopts strict constitutional restrictions on states of emergency would be less likely to renege on its legal human rights commitments. In this section I test these interactions by creating interaction variables by multiplying the covenant variable with the constitutional provisions variables. The first interaction I looked at was between being a party to covenant and having Bill of Rights provisions in the constitution. The interactive variable was created by multiplying ICCPR variable by the Bill of Rights index. In the four personal integrity model, the coefficients were in the wrong direction, just they had been in the earlier Bill of Rights model and ICCPR model. In the civil rights model, the coefficient is signed as we would expect but is basically equal to zero (.004) only significant at .12.

I also created an interactive variable between the being a party to covenant and the four freedoms index. The results were again in the wrong direction for the personal

integrity models, and even though the coefficient was signed properly in the civil rights model, it was again statistically insignificant. The interaction variables with judicial independence and the covenant variable were also uninteresting.

Next I tested an interactive variable with the covenant measure and the individual states of emergency provisions. A few substantively significant results emerge in the Freedom House-restricted models of personal integrity but there are no substantive differences in Polity III-restricted models from those results reported in the tables above. Overall, in the Freedom House-restricted models being a party to the covenant served to strengthen the already pejorative impact of one of the problematic state of emergency provisions and it weakened the impact of the one of the provisions that had shown beneficial effects on human rights abuse. Being a party to covenant and having the list of non-derogable rights produced coefficients that were larger than the coefficients of the list provision by itself : in the State Department model a coefficient of .10, compared to .07 and in the Amnesty International model, a coefficient of .09, compared to .07. This result may be due to the problematic derogation clause of the covenant. Another negative reaction being a party to the covenant and the states of emergency clauses, is that the ban against dissolving the legislature becomes statistically insignificant. However, the impact of the legislative declaration provision improves, reaching the .12 level in the State Department model (up from .31) and the .02 level in the Amnesty International model (up from .19). The coefficients increase in size: in the State Department a coefficient of -.02 compared to -.01 and in the Amnesty International model a coefficient of -.04 compared to -.01. Overall, it appears that there is little substantive interaction between being a party

to the International Covenant and domestic constitutional provisions and what observable impact there is harmful rather than beneficial.

CONCLUDING REMARKS:

The goal of this study has been to provide a further empirical test of the hypothesis that becoming a party to an international human rights agreement (specifically, the International Covenant of Civil and Political Rights and its Optional Protocol) makes a difference in states' actual behavior. This hypothesis has been tested across a twenty-one year period and across four different measures of human rights that are relevant to this specific treaty. While the first set of bivariate analyses suggested some difference in the behavior of states parties and non-party states in regard to the rights measured by Freedom House, this difference did not appear in the bivariate analysis of the parties' before and after protection of the rights covered in the Freedom House civil rights index, only the political rights index. When the analysis progressed to more sophisticated multivariate analysis of the impact of the covenant and its optional protocol, the impact disappeared altogether in the personal integrity models but did achieve statistical and substantive significance in civil rights model in the post-Cold War period.

Overall, this study indicates that it is overly optimistic to expect that being a party to this international covenant will produce an observable impact in regard to the most severe forms of human rights abuse. The results are consistent with the assertions that the treaty's implementation mechanisms are too weak and rely too much upon the goodwill of the party state to effect observable change in actual human rights behavior. States that recognize these weaknesses may believe that there is little risk to their sovereignty or to the

continuation of their current policies in becoming a party to the treaty. Thus with little to risk, they may gain a significant public relations tool in being a party to the covenant. From a less cynical perspective, states may have genuinely intended to honor their commitments to the covenant, but may find themselves facing a serious domestic situation, such as civil war or domestic unrest, that interferes with their ability to keep their commitment or that lessens their willingness to keep their commitment. The development of domestic laws and institutions that would help guarantee the promised protection of human rights during such crises may progress slowly and sometimes unsteadily.

It is, however, too early to entirely dismiss the optimistic expectation that the covenant would make a difference. There are at least two explanations that might explain the failure to discern an observable impact of the covenant. First, the treaty's impact may be a more indirect than direct process. Parties to the covenant agree to make changes in domestic law that will facilitate the protection of the appropriate human rights. Thus, the treaty's impact may be upon the party state's domestic law, which in turn affects human rights behavior. The impact of domestic law will be dependent upon how quickly and effectively the party state is able to make the constitutional or legal changes to set up or modify the political and legal institutions that will be necessary to fully protect the guaranteed rights. Second, becoming a party to the covenant may just be the *final* step in a long socialization process within the international community that influences a state's willingness to protect human rights. Thus, formally joining the treaty may serve primarily as a formal or symbolic recognition of behavioral norms and international standards that

the state has already accepted and has begun to act upon. Evidence of this form of influence would be much more difficult to ferret out in an empirical manner.

These caveats are important in that they suggest the direction that future research might pursue in order to fully understand the impact of this international covenant; however, they should not diminish the finding that overall human rights protection among the treaty's parties is not better than in non-party states, other things being equal. As Opsahl (1995) has suggested, the ultimate test of progress in human rights law must be better enjoyment of human rights and fewer violations. Clearly, we are not there, yet.

CHAPTER 6

Fully Integrated Model

In this chapter I integrate the analysis from each of the previous chapters into a full multivariate analysis that simultaneously tests the various hypotheses. Then, I explore the over-time effects of key independent variables. In the preceding chapters I have analyzed three categories of constitutional provisions that I theorized to be related to human rights protection and a total of twenty constitutional provisions: ten constitutional provisions that provide for individual rights (ultimately an index of four rights and six separate provisions variables), nine provisions that promulgate judicial independence, and four provisions that deal with states of emergency. Until this point, each analysis has explored the relationships and their relative importance within a single category of constitutional provisions. Here I integrate each of the variables into a single model. This step is an important chance to test each of the twenty-three constitutional measures in a fully specified model that will allow us to determine whether the relationships we have observed hold up when other constitutional conditions are controlled and that will allow us to determine the relative importance of the individual constitutional provisions.

The results of the analysis are reported in Tables 6.1 and 6.2. Table 6.1 reports the results for the Freedom House-restricted data set. In the fully integrated model, the performance of the individual rights provisions is almost identical to its performance in the limited model in Chapter Two (refer to Table 2.10). In both the integrated and the Chapter Two model the four freedoms index is only statistically significant in the State

Department model. In the integrated model, the level of statistical significance of the index in the State Department drops slightly, from $p < .05$ to $p < .06$.

--- Table 6.1 about here ---

In both the Chapter Two individual freedoms model and the integrated model fair trial is statistically significant, exhibiting a slight increase in its coefficient size and level of significance in the integrated State Department model. The one notable difference in the integrated model, is that public trial, which produced a coefficient of $-.01$ and achieved only a $.32$ level of significance in the Chapter Two individual freedoms State Department model. In the integrated model it produces a coefficient of $-.03$ that reaches the $.08$ level of statistical significance. The enhanced strength of this result may be due to controlling for judicial independence. In the analysis employing the interactive measure for public and fair trials with judicial independence we saw an even clearer picture of the importance of these two trial provisions, when they are combined with elements of judicial independence. Additionally, in the Chapter Two Amnesty International model the public trial variable (coefficient of $-.02$) was only significant at the $.12$ level, while in the integrated model produces a coefficient of $-.05$ and achieves a $.01$ level of statistical significance.

In the fully integrated model, the judicial independence provisions variables perform just as they did in the limited model, with some improvement in their size and in levels of significance of their coefficients. In the Chapter Three State Department model only the exclusive authority variable was statistically significant (refer to Table 3.9), but only at the $.09$ level. In the integrated model, this variable produces a larger coefficient

(-.05 compared to -.03). that is statistically significant the .05 level. In the Chapter Three Amnesty International model only two provisions were statistically significant, the ban against exceptional courts and the finality of decisions provisions. In the integrated model they achieve similarly acceptable levels of statistical significance and produce larger coefficients (-.08 for finality of decisions, compared to -.06 and -.06 for the ban of exceptional courts, compared to -.04). While these measures still fail to reach acceptable levels of statistical significance in the State Department model, their level of significance does move closer toward that level.

In the integrated model the states of emergency provisions measures perform just as they did in the Chapter Four states of emergency model, with one notable exception. In the Chapter Four model (refer to Table 4.5) the alternative hypothesis that these provisions may actually hurt human rights practices was supported in regard to the duration provision and the derogation provision. These results hold in the integrated model. The limited duration provision produces coefficients of .03 in both of the personal integrity models ($p < .04$ and $.06$). The list of non-derogable rights provision produces large coefficients (.11 and .07) that are statistically significant at the .08 (Amnesty International) and .004 (State Department) levels. In the Chapter Four states of emergency model only the ban on dissolving the legislature produced a statistically significant improvement in the probability of human rights protection and its level of statistical significance was only marginal in the Amnesty International model ($p < .09$). These results hold in the integrated model, again with the Amnesty International model results achieving only a marginal .10 level of significance. There is one notable

exception in the similarity of results from the Chapter Four model and the integrated model--the legislative declaration variable now achieves statistical significance in the Amnesty International model ($p < .02$ compared to .09) in the Chapter Four states of emergency model. The level of statistical significance in the State Department model improves to the level of .15 from .26.

In the integrated model being a party to the International Covenant on Civil and Political Rights continues to produce a coefficient in the unexpected direction. I had speculated in Chapter Five that controlling for domestic law--constitutional provisions aimed at producing the protection promised in the covenant--might increase the relevance of the covenant measure. Here, we find that not to be the case. The failure of this speculations also occurred when I created the interaction variable in Chapter Five.

The control variables continue to produce the same effects, with a couple of exceptions. In the integrated model, British colonial experience produces a positive coefficient that does not achieve statistical significance. This result parallels the Chapter Two individual freedoms model results and is the opposite of those found in the Chapter Three judicial independence and Chapter Four states of emergency models. This suggests that when constitutional provisions for individual rights are controlled, the increased probability of human rights protection that was derived from being a former British colony disappears. In the integrated model, leftist regime continues to produce negative coefficients, but these are not statistically significant in the State Department model.

Table 6.2 reports the results from the Polity III-restricted data set. Overall, the findings on the individual provisions measures in the integrated model parallel those of

the Chapter Two individual freedoms model (refer to Table 2.11), with the coefficients for several of the variables achieving higher levels of statistical significance. The four freedoms index (coefficient of -.01) is only statistically significant in the State Department model, but here it achieves a .06 level of statistical significance, compared to .09 in the Chapter Two individual freedoms model. Public trial moves from a marginal level of significance of .10 in the limited model to the .01 level in the integrated State Department model. Its coefficients increase across all three models: from -.03 to -.06 in the State Department model; from -.04 to -.09 in the Amnesty International model; and from .07 to .09 in the Civil Rights model. Again, this result may be due to controlling for the other elements of judicial independence. Fair trial also produces larger coefficients: from -.05 to -.07 in the State Department model; from -.12 to -.13 in the Amnesty International model. In the Civil Rights model two additional provisions continue to produce coefficients with acceptable levels of statistical significance. The freedom of press coefficient (.05, up from .04 in the Chapter Two individual freedoms model) achieves a .03 level of significance (compared to .09 previously) and habeas corpus produces a coefficient of .03 (down from .04 in the Chapter Two individual freedoms model) that achieves a .09 level of statistical significance, compared to .04 previously.

--- Table 6.2 about here ---

The judicial independence provisions produce quite similar results in the integrated models for both the State Department and Amnesty International measures. In the State Department model, only one judicial independence provision is even marginally statistically significant--the provision for exclusive judicial authority (coefficient of -.05)

is significant at the .08 level, compared to the .14 level previously (refer to Table 3.10). In the Amnesty International model the ban on exceptional courts produces a larger coefficient (-.08 compared to -.05 in Chapter Three) and improves its level of statistical significance (from $p < .05$ to $p < .003$). The finality of decision measure achieves a more acceptable level of statistical significance ($p < .07$, compared to $p < .12$) and a larger coefficient (-.06 compared to -.04). In the Civil Rights model, we do see some substantive differences in the size of the coefficients and in the levels of statistical significance when we control for all constitutional provisions. The finality of decision measure produces a coefficient of .07 (up from .03) and achieves an increase to .02 level of significance (up from .20). The exclusive authority measure produces a smaller coefficient of .04 (compared to .06 in the limited model) and loses its statistical significance, dropping from .03 to the .14 level. And enumerated qualifications produces a smaller coefficient (.04 compared to .05 in the limited model) that drops to the .09 level, down from .06 in the Chapter Three judicial independence model. Guaranteed terms also produces a smaller coefficient of .08 (compared to .10 in limited judicial independence model) that continues to be statistically significant, at .03 level in the integrated model.

In comparing the judicial independence models, a couple of the results merit more attention: (1) the fact that exclusive judicial authority is statistically significant in the State Department models but not the Amnesty International models, and (2) that finality of decisions is statistically significant in the Amnesty International models but not in the State Department models. As I mentioned previously these two variables were of some

concern because theoretically they are not clearly independent of each other. To compensate for this I decided to test a measure that combined the two provisions into one variable by simply adding the scores of the variables together to create a variable that ranges from 0 to 2. When I tested this variable in the full model in place of the two individual variables, the new variable produces much more satisfactory results and is statistically significant in all four models. In both State Department models the coefficient is $-.04$ with $p < .05$ using the the Freedom House-restricted data and $.01$ in the Polity III-restricted data set. In Amnesty International model using the Freedom House-restricted data the variable produces a coefficient of $-.04$ ($p < .04$), and in the Amnesty International model using the Polity III-restricted it produces a coefficient of $-.05$ ($p < .01$).

The results for the states of emergency provisions in the integrated model are nearly identical to those achieved in the limited models. The only provision to be found to reduce the probability of human rights abuse is the ban against dissolving the legislature (coefficient of $-.04$ in the State Department model, coefficient of $-.01$ in the Amnesty International model, and coefficient of $.04$ in the civil rights model); however, the ban still does not achieve statistical significance in the Amnesty International model. In both integrated personal integrity models human rights abuse is increased by the limited duration provision. Additionally, in the State Department model the non-derogable rights provision increases the probability of abuse (coefficient $.15$ $p < .05$). The one substantive change that emerges in the integrated model is that the coefficient for

legislative declaration of the state of emergency produces a small negative coefficient (-.02) that is statistically significant at the .05 level.

In the integrated model being a party to the International Covenant on Civil and Political Rights still does not produce decrease probability of human rights abuse across all three measures. The controls variables behave in the integrated models quite consistently with their behavior in the models from Chapters Two through Five, except that British colonial influence disappears altogether in the integrated model.

ANALYSIS OF COLD WAR AND POST-COLD WAR PERIODS

As in the previous chapters, I next analyze the integrated models after dividing the data sets into Cold War and post-Cold War periods. These results are reported in Tables 6.3 through 6.6. Table 6.3 reports the analysis for the Cold War period using the Freedom House-restricted data.

--- Table 6.3 about here ---

The constitutional provisions do not perform as well in this period. In the full time period State Department model there were seven variables whose impacts were statistically significant at levels ranging from .08 to .002. In the Cold War version of the State Department model there are only six relationships that attain statistical significance, and they are not the same ones. Three measures lose their statistical significance --public trial, exclusive judicial authority, and the ban against dissolving the legislature during a state of emergency-- and two gain statistical significance: finality of judicial decisions (coefficient of $-.07$ $p < .04$) and hierarchical system (coefficient of $-.05$ $p < .06$).

In the full time period Amnesty International model eight provisions produce coefficients that are statistically significant between .10 and .0001. In the Cold War model there are only six statistically significant coefficients--two measures lose statistical significance: legislative declaration of states of emergency and the ban against dissolving the legislature during a state of emergency. The other two emergency provisions retain their statistical significance and positive coefficients.

Table 6.4 reports the post-Cold War period analysis for these data. The six variables that manifest statistically significant coefficients in the post-Cold War State Department model are fair trial, public trial, exclusive authority, legislative declaration, non-derogable rights, and the ban against dissolving the legislature. The four freedom index does not have a statistically significant coefficient in this time period. As I mentioned in Chapter Two, this result most likely reflects the near universality of the inclusion of such rights in constitutions today. The impact of the state of emergency clause that limits the duration of the emergency is also not statistically significant in this period. One additional variable gains statistical significance--the provision calling for legislative rather than executive declaration of states of emergency (coefficient of $-.04$ $p < .03$).

In the Amnesty International model the same six variables retain statistically significant coefficients with significance levels between .09 and .03.

--- Table 6.4 about here ---

The results of the analysis using the Polity III-restricted data for the Cold War period are reported in Table 6.5. In the full period State Department model seven of the

constitutional provisions exhibited statistically significant impacts (p between .08 and .002). When the data are limited to the Cold War period the coefficients for six provisions reach statistical significance between the .10 and .01 level: (1) four freedoms index (coefficient of -.02), (2) public trial (coefficient of -.04), (3) fair trial (coefficient of -.05), (4) finality of decision (coefficient of -.06), (5) exclusive authority (coefficient of -.04) and (6) limited duration (coefficient of .05). The ban against dissolving the legislature does not achieve statistical significance in this period.

--- Table 6.5 about here ---

In the full period Amnesty International model six provisions produced statistically significant coefficients (with p values ranging from .08 to .0001) but in the Cold War period only four provisions have statistically significant coefficients: (1) public trial (coefficient of -.07), (2) fair trial (coefficient of -.12), (3) finality of decisions (-.06), and ban against exceptional courts (-.07). The level of statistical significance for the coefficient for guaranteed terms drops to $p < .12$ and that for the duration provision drops to $p < .26$.

In the full period Civil Rights model for the Polity II-restricted data set seven of the coefficients for the constitutional provisions were statistically significant between the .09 and .0001 level. In the Cold War period only six coefficients remains statistically significant--the coefficient for the enumerated qualifications provision only achieves a .17 level of statistical significance.

Table 6.6 reports the post-Cold War analysis for the same data set. In the State Department model for this time period, the impact of the four freedoms index loses its

statistical significance, but an additional coefficient achieves statistical significance in the time period--legislative declaration of states of emergency (coefficient of $-.06$ $p < .04$).

--- Table 6.6 about here ---

In the Amnesty International model two of the coefficients for the judicial independence measures lose statistical significance: guaranteed terms, whose coefficient changes direction ($-.02$ $p < .43$) and finality of decisions, whose coefficient does not change ($.07$ $p .20$) while one gains statistical significance--the ban against exceptional courts (coefficient of $-.10$ $p < .07$).

In the Civil Rights model only five of the coefficients are statistically significant--three measures lose their statistical significance in this time period (guaranteed terms, finality of decisions, and legislative declaration of states of emergency) while one gains statistical significance: being a party to the International Covenant on Civil and Political Rights produces a coefficient of $.13$ that is significant at the $.04$ level. This is the only incidence of the covenant being statistically significant in the fully integrated models.

DYNAMIC EFFECTS OF THE INDEPENDENT VARIABLES

Because of the inclusion of the lagged dependent variable in my models, the independent variables in the model are expected to produce, through that variable, an additional impact on human rights behavior for several years. In Figures 6.1 through 6.5 I depict the over-time effects for each of the models in the full period analysis for ten time periods (years), $timet1$ to $timet10$. In each of the figures I depict the over-time effect of substantial changes in each of the independent variables in the model that achieved statistical significance at least at the $.10$ level. With the exception of two variables (GNP

and population) I assume a maximum change in the independent variable from time_{t-1} to time_t --for example, a change from being at the "most democracy" level to the "least democracy" level, or a change from a constitution without a provision to ban the executive from dissolving the legislature during a state of emergency to a constitution that has such a provision. In the case of GNP per capita, I assume a very large (if unrealistic) change of \$20,000 dollars, and in the case of population I assume an also very large change of 10,000,000 people.

Figure 6.1 presents the State Department personal integrity model, using the Freedom House-restricted data (see Table 6.1). For ease of comparison, the figure assumes that independent variables cause a decrease human rights abuse. In the figure we can see that the over-time effects of each of the variables become asymptotic by the tenth lag. The figure depicts the impact of changes in seven constitutional provisions overall. The figure depicts overtime effects for three of the Chapter Two variables--the four freedoms index, the public trial measure, and the fair trial measure. Changing to a constitution that fully specifies the four freedoms produces an initial change of -.09, *ceteris paribus*, that levels off at -.24 by the tenth lag. The addition of the constitutional provision for public trial produces the smallest impact of the model--an initial change of -.03 that levels off at -.08 by the tenth lag. A change to include the fair trial provision produces a change that is approximately double that of public trial--its initial impact of -.07 that levels off at -.19. The combined impact on repression score of changes in these constitutional provisions (that is, of adopting them all at time 1) is -.51 after ten years.

----- Figure 6.1 about here -----

Only one of the Chapter Three judicial independence measures was statistically significant in the model--exclusive authority. Its impact is rather small here. The addition of such a clause would decrease repression by $-.13$ by the tenth lag.

The figure includes the impact of three of the Chapter Four states of emergency provisions--the ban against dissolving the legislature, the list of non-derogable rights, and the duration provision. The impact of going from a constitution without a ban against dissolving the legislature during a state of emergency to one that does have such a ban produces an initial decrease of $.06$, *ceteris paribus*, that levels off at $.32$. The impact of removing the duration clause would produce a decrease of only $.16$ by the tenth lag. Removing the list of non-derogable rights from a constitution would produce the largest impact of three constitutional provisions, beginning with a decrease of $.22$ that levels off to $.59$ by the tenth lag. This is the fourth largest impact in the full model. The combined impact of changes in the states of emergency provisions is -1.07 .

The impact of the end of civil war (and staying at peace) produces the largest impact, reducing personal integrity abuse by $.57$ and leveling off at 1.53 . The impact of international war ending is only one-third that size, beginning at $-.19$ and leveling off at $-.51$. In this model the impact of changes in democracy is second largest--changing from being a country with no democracy to one with the highest degree of democracy produces a decrease of 1.29 by the tenth lag. The decrease in population size by 10 million produces a decrease of 1.13 by the tenth lag. The effect of a gain of \$20,000 in per capita GNP produces an impact of $-.54$, by the tenth lag. The impacts of changes in the military

regime and British colonial experience variables produce the smallest impacts of all the control variables, -.19 and -.11 at the tenth lag.

When we compare the combined over-time effect of changes produced by the constitutional provisions (-1.71), with the impact of the other variables, we see that, collectively, the constitutional provisions produce the largest impact in the integrated model, moving a state one and three-quarters points down the five-point scale of human rights abuse after a decade. This impact is even larger in the next model.

Figure 6.2 depicts the over-time effects of the statistically significant variables in the Amnesty International model using the Freedom House-restricted data (see Table 6.2). It plots the over-time effects of changes in eight constitutional provisions.

----- Figure 6.2 about here -----

Only two of the Chapter Two constitutional provisions were statistically significant--public and fair trial provisions. Public trial produces a small overtime effect--an impact of only -.05, *ceteris paribus*, with an cumulative impact of -.12 by the tenth lag. The impact of fair trial is larger, an initial impact of -.11, leveling off at -.29 by the tenth lag. The combined over-time effect of these provisions is a .42 decrease in human rights abuse.

Two of the Chapter Three provisions for judicial independence are statistically significant--the finality of decisions (initial impact of -.08 and 10th lag impact of -.21) and the ban on exceptional courts provisions (initial impact of -.12 and 10th lag impact of -.31). The combined over-time effect of changes in these two provisions is also a .42 decrease in human rights abuse.

All four states of emergency provisions are depicted in the figure. The two provisions that give the legislature checks on states of emergency produce identical over-time effects, so they are represented in a single line. The initial impact from the addition of each of these provisions is a .09 decrease in human rights that levels off at .24 by the tenth lag. The impact of removing the duration clause from a constitution is initially a .06 decrease in human rights abuse, with a .16 decrease by the tenth lag. The impact of removing the list non-derogable rights is twice as large--initial impact of $-.14$ that levels off at $-.37$, yielding the largest single cumulative impact of the constitutional provisions. However, the size of the impact is much smaller here than in the previously discussed model in Figure 6.1. The combined impact of changes in the four states of emergency provisions is a 1.01 decrease in human rights abuse by the tenth lag.

In this model, civil war again produces the largest impact. The impact of the end of civil war (and staying at peace) reduces personal integrity abuse by .57 and levels off at 1.49. The impact of international war ending is only one-third that size, beginning at $-.19$ and leveling off at $-.50$. In this model the impact of changes in democracy is the second largest--changing from being a country with no democracy to one with the highest degree of democracy produces a decrease of 1.26 by the tenth lag. The effect of the population change by 10 million is an impact of -1.10 by the tenth lag and the effect of a gain of \$20,000 in per capita GNP produces an impact of $-.52$, by the tenth lag. The impacts of changes in the military regime and British colonial experience variables produce some of the smallest impacts of the control variables, $-.18$ and $-.10$ at the tenth lag.

When we compare the combined over-time effect produced by changes to state constitutions (-1.95) with the impact of the other variables, we see that the constitutional provisions again collectively produce the largest impact in the integrated model, moving a state two points down the five-point scale of human rights abuse. This impact is larger still in the next model.

Figure 6.3 depicts the over-time effects of the statistically significant variables in the State Department model using the Polity III-restricted data (see Table 6.3). This figure depicts the over-time effects of changes in eight constitutional provisions.

----- Figure 6.3 about here -----

Three of the Chapter Two constitutional provisions were statistically significant in the model underlying Figure 6.3: public and fair trial provisions and the four freedoms index. Public trial produces a small overtime effect--an impact of only -.06, *ceteris paribus*, with an impact of -.15 by the tenth lag. The impact of fair trial is slightly larger, an initial impact of -.07, leveling off at -.20 by the tenth lag. The impact of adding constitutional provisions that fully provide the four freedoms in the index produces an initial impact of -.09 that increases to -.25 by the tenth lag. The combined impact over a decade of changes in these three provisions is a .62 decrease in human rights abuse.

Only one of the Chapter Three provisions for judicial independence is statistically significant--exclusive authority. A change to include this provision in the state's constitution produces an initial impact of -.05 and 10th lag impact of -.14.

All four states of emergency provisions are depicted in the figure. The initial impact from the addition of the provision for legislative declaration of a state of emergency

decreases human rights abuse by .09 initially and levels off at .25 by the tenth lag. This impact is identical to that of the four freedoms index, so the effects are represented in a single line in Figure 6.3. The addition of a provision to ban the dissolution of the legislature in states of emergency produces an impact of -.12 initially, with an impact of -.34 at the tenth lag. The impact of removing the duration clause from a constitution is initially a .10 decrease in human rights abuse, with a .28 decrease by the tenth lag. The impact of removing the list of non-derogable rights is more than twice as large--initial impact of -.30 that levels off at -.85, which is the largest impact of the constitutional provisions and the fourth largest in the model. The combined impact of changes in the four states of emergency provisions is a 1.72 decrease in human rights abuse by the tenth lag.

In this model, civil war again produces the largest individual variable impact. The impact of the end of civil war (and staying at peace) reduces personal integrity abuse by .55 and levels off at 1.56. The impact of international war ending is only one-third that size, beginning at -.17 and leveling off at -.48. In this model the impact of changes in democracy is the third largest--changing from being a country with no democracy to one with the highest degree of democracy produces a decrease of 1.02 by the tenth lag. The second largest over-time effect is from the change in population, an impact of -1.19 by the tenth lag. The effect of a gain of \$20,000 in per capita GNP produces an impact of -.57, by the tenth lag. The impact of a change from a military regime to non-military regime is -.06 initially, with a -.17 impact at the 10th lag. This effect is identical to that of public trial and therefore must be represented by the same line.

When compared with the other variables, the combined over-time effect of changes in constitutional provisions (-2.48), is once again is the largest impact in the model, moving a state two and one-half points down the five-point scale of human rights abuse. This impact is the largest over-time effect produced in any of the integrated models.

Figure 6.4 depicts the over-time effects of the statistically significant variables in the Amnesty International model using the Polity III-restricted data (see Table 6.4). As before, this figure depicts the over-time effects of changes in eight constitutional provisions.

----- Figure 6.4 about here -----

Two of the Chapter Two constitutional provisions were statistically significant--public and fair trial provisions. Public trial produces a small overtime effect--an impact of only -.09, *ceteris paribus*, with an impact of -.24 by the tenth lag. The impact of fair trial is slightly larger, an initial impact of -.13, leveling off at -.34 by the tenth lag. The combined over-time effect of these two provisions is a .62 decrease in human rights abuse.

Three of the Chapter Three provisions for judicial independence are statistically significant--guaranteed terms, finality of decisions, and the ban against exceptional courts. The first two provisions produce identical overtime effects so they are represented in a single line. A change to include either provision in the state's constitution produces an initial impact of -.06 and 10th lag impact of -.16. A change to include the ban against exceptional courts produces an initial impact of -.16, that levels off at -.42 by the 10th lag. The combined over-time effect of the three judicial independence provisions is a .72 decrease in human rights abuse.

Three of the four states of emergency provisions are depicted in the figure. The addition of a provision to ban the dissolution of the legislature in states of emergency produces a small impact of $-.03$ initially, with an impact of $-.08$ at the tenth lag. The impact of removing the duration clause from a constitution is initially a $.08$ decrease in human rights abuse, with a $.21$ decrease by the tenth lag. The impact of removing the list of non-derogable rights is identical and therefore is represented by the same line. The combined impact of changes in the four states of emergency provisions by the tenth lag is only a $.50$ decrease in human rights abuse in this model, the smallest of any of the combined models.

In this model, civil war produces only the second largest impact. The impact of the end of civil war (and staying at peace) reduces personal integrity abuse by $.43$ and levels off at 1.13 . The impact of international war ending is one-half that size, beginning at $-.24$ and leveling off at $-.63$. In this model the impact of changes in democracy is only the third largest--changing from being a country with no democracy to one with the highest degree of democracy produces a decrease of $.94$ by the tenth lag. The largest impact in the model is from the population shift of 10 million people, a decrease of 1.47 . The effect of a gain of \$20,000 in per capita GNP produces an impact of $-.52$, by the tenth lag. The impact of a change from a non-leftist regime to leftist regime is $-.07$ initially, with a $-.18$ impact at the 10th lag.

In this model the combined over-time effect of changes in constitutional provisions (-2.12), is once again the largest impact in the model, moving a state two points down the five-point scale of human rights abuse. This impact is the second largest over-time effect produced in any of the five integrated models.

Finally, Figure 6.5 depicts the over-time effects of the statistically significant variables in the Freedom House Civil Rights model using the Polity III-restricted data (see Table 6.5). In this model several of the variables produce identical over-time effects. When this is the case, the impacts are represented in a single line.

----- Figure 6.5 about here -----

This figure depicts the over-time effects of changes in nine constitutional provisions. Three of the Chapter Two constitutional provisions were statistically significant--the freedom of press, public trial, and habeas corpus provisions. The addition of the constitutional provision for habeas corpus produces a small initial impact (.03) that reaches .09 by the tenth lag, all things being equal. The addition of the constitutional guarantee of freedom of press produces a slightly larger impact, increasing the provision of human rights by .05 initially and by .15 the tenth lag. Public trial produces a larger but still modest overtime effect--an impact of .08 that levels off to .23 by the tenth lag. The combined over-time effect of these three provisions is a .47 increase in civil rights protection.

Three of the Chapter Three provisions for judicial independence are statistically significant--guaranteed terms, finality of decisions, and enumerated qualifications. The first and third provisions produce identical overtime effects so they are represented in a single line (along with non-derogable rights and public trial) . A change to include either provision in the state's constitution produces an initial impact of .08 and 10th lag impact of .23. A change to include enumerated qualifications for judges produces a slightly smaller

initial impact of .07, that levels off at .20 by the 10th lag. The combined over-time impact of changes in these three provisions is a .66 increase in human rights provision.

Three of the four states of emergency provisions are depicted in the figure. The addition of the provision to require legislative declaration of a state of emergency increases the provision of human rights by .06 initially and by .17 at the tenth lag. The addition of a provision to ban the dissolution of the legislature in states of emergency produces a larger impact, .12 initially, with an impact of .35 by the tenth lag. The impact of removing the list of non-derogable rights from a constitution produces an initial increase of a .08 in human rights protection, with a .23 increase by the tenth lag. The combined impact of changes in the three states of emergency provisions by the tenth lag is a .75 increase in human rights protection in this model, the smallest over-time effect produced in any of the combined models.

In this model, civil war produces only the second largest impact (tied with GNP). The impact of the end of civil war (and staying at peace) increases the provision of civil rights by .20 and levels off at .58. The impact of international war ending is approximately equal to ending civil war in this model-- their impacts begin at .19 and leveling off at .52 by the tenth lag. In this model the impact of changes in democracy is the largest impact--changing from being a country with no democracy to one with the highest degree of democracy produces an increase in human rights provision by .99 at the tenth lag. The effect of a gain of \$20,000 in per capita GNP produces an impact of -.58, by the tenth lag. The impact of a change from a leftist regime to non-leftist regime is .26 initially, with a .76 impact at the 10th lag. This is the second largest impact in this

model. A decrease in population size of 10 million produces a rather small impact of .20 by the tenth lag.

As in the other four models, the overall impacts of the constitutional provisions individually are small, especially relative those of war and democracy, their combined overtime effect in these models (1.88) is once again the largest impact in the model, moving a state two points up the seven-point scale of civil rights protection. This collective impact dwarfs that of even the strongest individual impacts--those of civil war, democracy, and population.

It should be remembered that the theoretical changes that are inferred here in order to calculate the over-time effects assume the maximum variation. Because of differing operationalization of variables, some variables have a tremendous range for variation--population and per capita GNP, for example. Thus, the potential for variation increases their estimated over-time effect. Variables that are dichotomous have a very limited range for change, and thus their over-time impact will be smaller than the effect that can be achieved with variables that have a full range of variation. And often assuming substantial variation in those variables with a full range of variation is much less realistic than assuming a change of state in the dichotomous variables. As I have argued earlier, producing an increase in a state's per capita GNP by \$20,000 or reducing the population of by ten million are rather difficult tasks compared to writing constitutional provisions into law. Certainly, the willingness of the state to allow these actions or take steps toward producing them would be necessary in order to bring about any of the three changes; however, the willingness of the state to take action most likely would not be sufficient to

bring about such a reduction in the population (unless we assume genocide) or such an increase in the per capita GNP. Thus from a practical point of view, pursuing better human rights through constitutional law may offer greater potential than pursuing it through other less manipulatable factors.

CHAPTER 7

Conclusions and Implications

In this chapter I briefly revisit the results of the preceding analysis, discuss the theoretical and practical implications of the results, and conclude with a discussion of the implications for future research. In Chapter Two the analysis of individual freedoms and personal integrity abuse showed one constitutional provision to be consistently important in reducing the probability of personal integrity abuse--the fair trials provision. The impact of this provision was consistent across the Cold War and post-Cold War models of personal integrity, with only one exception (in the post Cold war analysis using the Polity III-restricted data set). Public trial achieved mixed statistical results, achieving acceptable statistical levels in the Amnesty International models but performing somewhat better in the post Cold War period. In the analysis employing the interactive measure for public and fair trials with judicial independence we saw an even clearer picture of the importance of these two trial provisions, when they are combined with elements of judicial independence.

The four freedoms index was consistently significant across the State Department models, with the exception of the post Cold War period model. The four freedoms index was only statistically significant in the Amnesty International models when the post Cold War period was removed from the data set. Thus, there seems to be a time-dependent impact. Scholars might have expected the opposite time effect--that the provisions would be insignificant in the Cold War period when most communist constitutions made empty promises of these rights. I believe my contradictory results are due to the fact that my

measure distinguished between unencumbered promises and those that were diminished by qualifying phrases. The post-Cold War results are actually the results that are initially more surprising. It may be that these freedoms have become so near universal in this period, that they have become standard but perhaps empty symbols in the growing number of newly created constitutions of the world. A less cynical viewpoint is that the evolution of institutions and cultural norms necessary for the fulfillment of these rights may take time. Macovei (1999) notes this problem in Romania, where the new institutions are not fully matured and the country is experiencing a difficult transition into democracy (p. 6). She also points out that Romanian culture has not yet evolved to accept some of these freedoms as being beneficial to the public interest (p. 12).

One provision does seem to stand out in the post Cold War period--freedom of press is statistically significant in the State Department models and in one of the Amnesty International models. As I mentioned in Chapter One, this finding is not really surprising. While coding the recent constitutions of the world, freedom of press often appeared to be the real separator of countries whose human rights behavior suggested these promises were window dressing, and countries whose human rights behavior suggested these promises were substantive.

Overall, the results from the civil rights index vary quite a bit from the personal integrity results and the results in the civil rights model appear to be more time-bound than the personal integrity results. Public trial is the only provision that is statistically significant across all time periods. The four freedoms index performance was only marginally significant in the Cold War period but significant in the post Cold War period.

This difference is the opposite of that demonstrated in the personal integrity analysis. The impact of fair trial is limited to the Cold War period and the impact of habeas corpus disappears when we move into the post-Cold War period. Again, freedom of press seems to be time-dependent, losing its statistical significance when the Cold War data are removed from the analysis. The bill of rights index is only statistically significant in the analysis of this broader measure of human rights. The differences in the relationships demonstrated with the two dependent variables may stem from the civil rights index being the measure that is more directly related to the actual promises I explored in Chapter Two.

The results of Chapter Two did not support the results found by Davenport, who found freedom of press to be statistically significant and I only find this provision to be important in the post-Cold War period. It must be kept in mind that he used a limited set of countries (50), a time period that only overlaps with four years of my data set (1977-80), and a different measure of human rights. The earliest studies of constitutional provisions found that the countries with more individual protections were more likely to abuse human rights. This finding surfaced with two of my individual rights measures--ban against torture and the right to a writ of habeas corpus. I return to this finding late in this chapter.

When these ten provisions were analyzed in the integrated model most of the relationships held up and were strengthened. In both the integrated and the Chapter Two individual freedoms model the four freedoms index was statistically significant in the State Department models but not the others. In both the Chapter Two individual freedoms

models and the integrated models fair trial continued to be statistically and substantively significant across all five models, with enhanced levels of significance. In the integrated model public trial gained in its level of statistical significance (achieving statistical significance in all five models) and in the size of its coefficients. Given the results we saw in Chapter Three when I created the interaction variable with the trials measures and judicial independence, the enhanced strength of this result is most likely due to controlling for judicial independence. In the Civil Rights model two additional provisions continued to produce coefficients with acceptable levels of statistical significance--freedom of the press and habeas corpus.

In both the integrated models and the Chapter Two individual freedoms models two variables--habeas corpus and ban on torture--were consistently problematic in that they produced coefficients in the unexpected direction and achieved levels of statistical significance that would have been acceptable if I had used a two-tailed test. However, there is no theoretical alternative hypothesis to offer a feasible explanation for these contradictory results. There are, however, plausible explanations for a failure to find a relationship between these two variables and human rights abuse. It may be that for these constitutional rights to be meaningful, the state's criminal code must be shaped to reinforce these rights and institutions, and the judiciary must be willing to prosecute cases of abuse. For example, Macovei (1999) noted that in Romania claims of police misconduct are not given a judicial hearing (p.16). I return to the problem of judicial willingness in the section to follow.

In Chapter Three the analysis of judicial independence as an overarching concept only produced a substantive difference in regard to the broader range of civil rights not the more limited personal integrity rights. Only when democracy was removed from the model did judicial independence matter in regard to personal integrity rights, and even then its impact was substantively small. Thus, judicial independence taken as a whole appears to offer little protection in regard to the core right to personal integrity--without which most of the Freedom House civil rights would be meaningless. However, there was one exception. The relationship between judicial independence and both types of human rights has strengthened in the post-Cold War period and thus some optimism may be warranted.

Examining the individual provisions for judicial independence was only somewhat enlightening. When other factors were controlled, many of these provisions' impact tended to be restricted to either personal integrity rights or civil rights but not both. And some of the relationships were clearly time-bound. No single constitutional provision was statistically and substantively significant across all five models of human rights behavior. Three measures did prove to be rather significant, even if their impact varied somewhat across models--finality of decisions provision, the exclusive authority provision, and the ban against exceptional courts.

Finality of decision was statistically significant in five controlled models and marginally significant in the two models. Finality of decision tended to be related to the Amnesty International personal integrity measure and not the State Department measure. Closely related to the protection against revision of decisions, is the exclusive judicial

authority provision which was statistically significant in the State Department personal integrity rights model and the civil rights models for the full period of time. As I discussed in Chapter Six, these variables are strongly linked theoretically, and when I combined them into a single measure their relationship to human rights was statistically and substantively significant across models. Judges with these elements of independence, who seek to protect the human rights of individuals, have a greater probability of their decisions standing than would those of judges whose decisions are subject to other governmental bodies.

In the integrated model three of the judicial independence provisions continued to show substantive and statistical significance, with some improvement in each of these areas of significance. Exclusive judicial authority continued to exhibit an impact in the State Department models while the finality of decisions provision continued to exhibit an impact in the Amnesty International models and the civil rights model. Exceptional courts was statistically significant in the Amnesty International models and marginally significant in the State Department models ($p < .10$). Guaranteed terms continued to be statistically significant, but only in the civil rights model.

Two provisions were solely related to one type of human rights behavior. The hierarchical system provisions was consistently significant in the personal integrity models with the exception of the Cold War period. Blasi and Cingranelli argued that like a federal system of government, a hierarchical system of justice would increase the probability of protection against human rights abuse because it would protect against tyranny of the majority at lower levels of the courts. Of course, in the United States, we

have seen this system work both for *and* against human rights, particularly in regard to the rights of slaves and African-Americans. Enumerated qualifications are statistically and substantively significant across each of the civil rights models regardless of the time period. These provisions may lead to judges that are more competent and that have been socialized to the norms of judicial independence which in turn should make them more willing and capable to withstand the incursions of the other branches upon human rights. However, that inferred independence was not observed in regard to the more serious personal integrity rights abuse. Finally, three of judicial independence measures failed to reach statistical significance in a single model: fiscal autonomy, separation of powers, and judicial review.

When we look at the failure of separation of powers to achieve a significant relationship, we must remember that this is a formal requirement and may not actually exist in the state regimes. In actuality the executive and/or the legislature may dominate the government, especially in military regimes. A prime example of separation of powers not working is seen in the case of Romania. There the president removed members of the Bucharest court for political reasons, without going through formal proceedings (Macovei 1999, p. 9). Additionally, the president called lower court decisions illegal and instructed local governments to not enforce the courts' rulings. According to Macovei the president also pressured the Supreme Court and the constitutional court to support him. Despite Russia's constitutional provision for separation of power, Petrukhin (1999) reports that the Russian judiciary is, in fact, pressured by prosecutors, ministers of internal affairs, and the federal security service (p.50).

These factors also affect the power of judicial review, which is the most problematic failure of these provisions. Human rights activists and scholars have made a strong case that judicial review is critical in the protection of human rights, but that relationship does not materialize despite repeated efforts to ferret it out. As I mentioned above, the other branches of government may pressure the judiciary or interfere with their judgments, or statutory law and executive decrees may exempt certain actors, such as prosecutors, from judicial review. Still, ultimately, I believe we must turn to the judges themselves. Even when the formal provisions are in place, the judges themselves must be willing to act in the protection of individual human rights. Turner (1999) argues that one of the key factors in judicial defense of human rights is that the judiciary must value political liberalism more than mere formalism (p.99-100). India is a good example of the impact of the judges' willingness to protect human rights. Sripathi (1999) points out that for the first twenty-five years under the new constitution that professed to protect human rights, judges took a very narrow reading of these rights. But then in the 1970s as more liberal judges came on the bench, the protection of rights broadened (p. 109-110). For those who study the protection of civil liberties and rights in the United States Supreme Court, we have only to compare the treatment of these rights across various courts and justices to see the impact of individual judges.

In regard to the Chapter Four states of emergency provisions, the analysis revealed a much more consistent pattern in the relationship between constitutional provisions and human rights practices than the ones found in the Chapters Two and Three. As I have noted before, the results are not very promising for those who work to

improve human rights protection through the law. Of the four provisions, the requirement of legislative declaration generally had no observable impact when other factors were controlled. However, it did produce the expected impact when the analysis was limited to the post-Cold War period. Banning the dissolution of the legislature during a state of emergency was the only provision that performs consistently as we would expect. This provision apparently provides a counter-balance to the executive's power in regard to human rights. Finally, two provisions consistently increased the probability of human rights abuse rather than decreased the probability: the provision that lists non-derogable rights and the provision that requires renewal of states of emergency. This finding suggests that the provision of a list of rights that may not be derogated (and the concomitant inference that at least some other rights may justifiably be denied) may in fact provide regimes with a opening and an excuse to abuse rights that are not legally derogable under the constitution. Additionally, the provisions which set a time limit on states of emergency and require states to renew their declarations also appear to have the unintended consequence of actually encouraging the extension of states of emergency. These results held even when controls for actual states of emergency or other forms of domestic threat were added to the models.

Because of the impact of these two provisions, it is not surprising that the impact of the state of emergency index and the explicit mention of states of emergency in the constitutions increased rather than decreased the probability of human rights abuse when they were statistically significant. The two problematic provisions continued to increase the probability of human rights abuse in the analysis of the post-Cold War period, while

the two measures that provide for the state's legislature having a counter-balancing role to the executive tend to decrease the probability.

In the integrated model the states of emergency provisions measures perform almost identically as they did in the Chapter Four model, with the notable exception of the performance of the legislative declaration provision. In the Freedom House-restricted data set's Amnesty International model and in the civil rights model, the legislative declaration variable achieved statistical significance that it did not achieve in the Chapter Four states of emergency models. In the Chapter Four models the alternative hypothesis that these provisions may actually hurt human rights practices was supported in regard to the duration provision and the derogation provision. These results continued to hold in the integrated model. The only provision found to reduce the probability of human rights abuse was the ban against dissolving the legislature; however, the ban still does not achieve statistical significance in the Polity III-restricted data set's Amnesty International model.

In the end we must conclude that only two of the four provisions that ILA and the ICJ recommend states adopt to curb human rights abuse have their intended effect, while two of the provisions actually produce the opposite effect.

In Chapter Five, the impact of being a party to the international human rights agreement, the International Covenant of Civil and Political Rights and its Optional Protocol, did not retain its statistical significance as we moved from bivariate to the multivariate models of personal integrity and civil rights. Being a party to the covenant only produced a significant impact in one of the several models--the post-Cold War civil

rights model. In the integrated model the variable that designated states parties to the International Covenant on Civil and Political Rights continued to produce a coefficient in the unexpected direction. I had hypothesized in Chapter Five that controlling for domestic law--constitutional provisions aimed at producing the protection promised in the covenant--might increase the relevance of the covenant measure. This hypothesis was not supported in the integrated model, where state constitutional provisions are controlled. Of course, the earlier analysis with interactive measures, illustrated that the covenant actually interacted in a harmful way, only serving to enhance the negative impact of the derogation list provision on human rights behavior. The results are consistent with the assertions that the treaty's implementation mechanisms are too weak and rely too much upon the goodwill of the party state to effect observable change in actual human rights behavior. States that recognize these weaknesses may believe that there is little risk to their sovereignty or to the continuation of their current policies in becoming a party to the treaty. Thus with little to risk, they may gain a significant public relations tool in being a party to the covenant. From a less cynical perspective, states may have genuinely intended to honor their commitments to the covenant, but may find themselves facing a serious domestic situation, such as civil war or domestic unrest, that interferes with their ability to keep their commitment or that lessens their willingness to keep their commitment. However, in this study I have controlled for many of those circumstances. And while I have controlled for domestic laws and institutions that theoretically would help guarantee the covenant's promised protection of human rights, the covenant's relevance still did not

emerge. As I cautioned earlier, these institutions may progress slowly and sometimes unsteadily.

In the integrated model one of the results relating to the control variables was rather interesting and merits mention here. In previous models (Poe and Tate 1994; Poe, Tate, and Keith 1999) British colonial experience had consistently produced a negative impact on human rights abuse. But in the integrated model, British colonial experience produced a positive albeit statistically insignificant coefficient. This result paralleled the Chapter Two individual freedoms model results and was the opposite of those found in the Chapter Three judicial independence and Chapter Four states of emergency models, suggesting that when constitutional provisions for individual rights are controlled, the increased probability of human rights protection that was derived from being a former British colony disappears. And it may be that the remaining influence from this experience produces a harmful effect of human rights behavior.

Finally, when we looked at the overtime effects of the set of constitutional provisions taken as a collectivity, we saw that the potential long-term effects of changing national constitutions to incorporate the provisions were quite large, compared to the long term effects of other variables that have been shown to impact global human rights abuse.

WHERE DO WE HEAD FROM HERE?

This study has offered the first systematic global analysis of the impact of law and human rights, analyzing the impact of twenty-three constitution provisions and an international covenant on three different measures of human rights behavior, over a period of 20 years. I believe that the study has offered both new theoretical and empirical

insights into the human rights behavior of a global set of nation-states. Ultimately, however, for most scholars an important goal of human rights studies is to provide sound scientific evidence that may have practical implications for improving the global protection of human rights. I believe that this study of the law offers such potential for those policymakers who seek to promote human rights globally. Several implications for legal scholars and practitioners have emerged from the study. It is important to always test assumptions, and it is important to watch out for unintended consequences -- we should be especially cautious in regard to writing states of emergency and derogation clauses into domestic or international law. While not all constitutional provisions perform equally well, overall, constitutions do appear to offer a feasible path to pursue in regard to human rights protection, especially relative to other paths, such as economic development or population control. Still, we should be cautious in our conclusions, and I would urge further study of the impact of law on human rights.

Several directions for that study have emerged in this study. An important first step would be to develop measures for actual fulfillment of these formal requirements. For example, measurements of freedom of the press and measures of judicial independence. These measures would allow us to look at the impact of the constitutional provision upon the actual rights or institutions. In the case of judicial independence, we would be able to look at the promised institutional parameters and then see how their provision affected human rights directly. These measures would allow us to explore full path analyses. And as I have suggested above, improved indices for judicial independence may be an option if methods are developed that would allow confirmatory factor analysis for pooled

cross-sectional analysis. Another interesting link to explore is that of the legislature. While we know that legislatures do pass laws that sometimes contradict constitutional rights, the analysis of states of emergencies provisions suggested that the legislature may be an important check against executive abuse of rights, at least under certain circumstances. Another more difficult link to explore is state criminal code which may facilitate or contravene constitutional protections. Finally, there is another body of domestic law, the impact of which I am interested in pursuing: that relating specifically to states of emergency or domestic threats--state security and terrorism laws.

Table 2.1: Frequency of Constitutional Provisions for Individual Protections (1976-1996)

<i>Variable</i>	<i>Level of Protection</i>	<i>Frequency (N=3220)</i>	<i>Percentage</i>
Freedom of Assembly	0	1194	37.08%
	1	1980	61.49%
	2	46	1.43%
Freedom of Association	0	1138	35.34%
	1	1955	60.71%
	2	127	3.94%
Freedom of Press	0	1975	61.34%
	1	1117	34.69%
	2	128	3.98%
Freedom of Religion	0	1194	37.08%
	1	1846	57.33%
	2	180	5.59%
Freedom of Speech	0	1036	32.17%
	1	2034	63.17%
	2	150	4.66%
Right to Strike	0	2527	78.48%
	1	651	20.22%
	2	42	1.30%
Fair Trial	0	2475	76.86%
	1	455	14.13%
	2	290	9.01%
Habeas Corpus	0	1757	54.57%
	1	838	26.02%
	2	625	19.41%
Public Trial	0	1802	55.96%
	1	1191	36.99%
	2	227	7.05%

Torture	0	1853	57.55%
	1	574	17.83%
	2	793	24.63%

Table 2.2: The Impact of Constitutional Provisions for Individual Protections on Personal Integrity Rights (1977-1996)

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>		
	<i>Coefficient *</i>	<i>z</i>	<i>p</i>	<i>Coefficient *</i>	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.85 (.01)	85.83	.0001	.83 (.01)	76.81	.0001
Freedom of Speech	-.02 (.04)	-.52	.30	-.01 (.04)	-.14	.44
Freedom of Association	-.05 (.04)	-1.43	.08	-.08 (.04)	-2.15	.01
Freedom of Assembly	.30 (.04)	.71	.24	.06 (.05)	1.28	.10
Freedom of Press	-.01 (.02)	-.59	.28	.01 (.02)	.39	.35
Freedom of Religion	.03 (.03)	1.11	.13	.03 (.03)	1.14	.12
Right to Strike	-.02 (.03)	-.89	.19	.01 (.03)	.30	.39
Habeas Corpus	-.01 (.02)	-.34	.37	-.01 (.02)	-.37	.36
Public Trial	-.03 (.02)	-1.40	.07	-.03 (.02)	-1.53	.05
Fair Trial	-.08 (.02)	-3.53	.0001	-.10 (.02)	-4.51	.0001
Torture	.04 (.02)	2.35	.01	.04 (.02)	2.24	.01
Constant	.39 (.03)	12.52	.0001	.44 (.03)	13.20	.0001
<i>N</i> = 2909						
$R^2 = .74$			$R^2 = .72$			
Log Likelihood = -1208.97			Log Likelihood = -1311.61			
$\text{Chi}^2 = 8347.74$ p > .00001			$\text{Chi}^2 = 7580.03$ p > .00001			

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 2.3: The Impact of Constitutional Provisions for Individual Protections on Personal Integrity and Civil Rights (1977-94)

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>			<i>Freedom House Civil Rights⁺</i>		
	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.85 (.01)	72.89	.0001	.82 (.01)	66.25	.0001	.93 (.01)	123.03	.0001
Freedom of Speech	-.01 (.04)	-.37	.38	.02 (.05)	.28	.35	-.04 (.05)	-1.07	.14
Freedom of Association	-.06 (.04)	-1.54	.07	-.09 (.04)	-2.10	.03	.06 (.04)	1.45	.07
Freedom of Assembly	.05 (.05)	1.09	.16	.06 (.05)	1.43	.10	.01 (.05)	.15	.44
Freedom of Press	-.03 (.03)	-1.17	.12	.00 (.03)	.02	.50	.06 (.03)	2.06	.02
Freedom of Religion	.05 (.03)	1.64	.05	.05 (.03)	1.34	.08	-.01 (.03)	-.20	.42
Right to Strike	-.03 (.03)	-.93	.18	-.14 (.03)	-.43	.33	.06 (.03)	1.76	.04
Habeas Corpus	-.01 (.02)	-.38	.37	-.01 (.02)	-.54	.33	.06 (.02)	2.51	.06
Public Trial	-.04 (.02)	-1.74	.03	-.05 (.03)	-1.84	.03	.04 (.02)	1.71	.04
Fair Trial	-.07 (.03)	-2.44	.007	-.10 (.03)	-3.40	.0001	.01 (.03)	.35	.36
Torture	.05 (.02)	2.45	.007	.05 (.02)	2.59	.005	-.02 (.02)	-.90	.18
Constant	.40 (.04)	11.03	.0001	.47 (.04)	11.98	.0001	.21 (.03)	6.80	.0001
<i>N</i> =2187	<i>R</i> ² = .73			<i>R</i> ² = .70			<i>R</i> ² = .90		
	Log Likelihood= -881.26			Log Likelihood= -994.69			Log Likelihood= -948.57		
	Chi ² = 5966.10			Chi ² = 5120.85			Chi ² = 20466.00		
	<i>p</i> > .00001			<i>p</i> > .00001			<i>p</i> > .00001		

+Freedom House Civil Rights have been inverted so that higher scores equal higher levels of rights.

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 2.4: The Impact of Constitutional Provisions for Individual Protections on Personal Integrity Rights (1977-1996)(with control variables)

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>		
	<i>Coefficient*</i>	<i>z</i>	<i>p</i>	<i>Coefficient*</i>	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.65 (.01)	48.18	.0001	.64 (.01)	47.30	.0001
Freedom of Speech	-.03 (.04)	-.82	.21	-.02 (.04)	-.45	.32
Freedom of Association	.05 (.04)	1.33	.09	-.004 (.04)	-.12	.45
Freedom of Assembly	-.05 (.04)	-.134	.09	.01 (.04)	.20	.42
Freedom of Press	.02 (.02)	.71	.24	.04 (.02)	1.87	.03
Freedom of Religion	-.02 (.03)	-.60	.27	-.02 (.02)	-.32	.51
Right to Strike	-.01 (.03)	-.50	.31	.04 (.03)	1.24	.11
Habeas Corpus	.06 (.02)	2.77	.002	.06 (.02)	2.93	.002
Public Trial	-.01 (.02)	-.50	.30	-.02 (.02)	-1.20	.12
Fair Trial	-.06 (.02)	-2.65	.004	-.11 (.02)	-4.56	.0001
Torture	.05 (.02)	2.99	.002	.04 (.02)	2.28	.01
Civil War	.58 (.04)	13.74	.0001	-.47 (.04)	10.98	.0001
International War	.18 (.05)	3.41	.01	.22 (.05)	4.10	.0001
Democracy	-.07 (.01)	-9.40	.0001	-.07 (.01)	-8.88	.0001
Military Control	.07 (.03)	2.59	.01	.05 (.03)	1.85	.03
Leftist Regime	-.06 (.03)	-1.68	.05	-.14 (.04)	-3.86	.0001
British Colonial Experience	.02 (.03)	.66	.25	.05 (.03)	1.73	.04
Economic Development	-.01 (.00)	-5.82	.0001	-.01 (.00)	-6.06	.0001
Population	.07 (.01)	10.01	.0001	.07 (.01)	10.57	.0001
Constant	.02 (.10)	.24	.41	-.04 (.10)	-.42	.34

N = 2909

$R^2 = .78$

Log Likelihood = -1000.64

Chi² = 10081.19 *p* > .00001

$R^2 = .76$

Log Likelihood = -1129.01

Chi² = 8983.07 *p* > .00001

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 2.5: The Impact of Constitutional Provisions for Individual Protections on Personal Integrity and Civil Rights (1977-94)(with control variables)

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>			<i>Freedom House Civil Rights⁺</i>		
	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>P</i>	<i>Coef</i> *	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.67 (.02)	43.56	.0001	.64 (.02)	40.77	.0001	.67 (.01)	51.15	.0001
Freedom of Speech	-.04 (.04)	-.82	.21	-.01 (.04)	-.30	.38	.02 (.04)	.41	.34
Freedom of Association	.02 (.04)	.43	.33	-.03 (.04)	-.72	.24	.02 (.04)	.63	.26
Freedom of Assembly	-.05 (.05)	-.76	.22	.02 (.05)	.35	.36	.03 (.03)	.59	.28
Freedom of Press	.02 (.03)	.87	.19	.08 (.02)	2.77	.01	.03 (.03)	1.29	.10
Freedom of Religion	-.001 (.03)	-.03	.49	-.01 (.03)	-.19	.43	-.02 (.03)	-.52	.30
Right to Strike	-.02 (.03)	-.75	.28	.03 (.03)	.75	.23	-.00 (.03)	-.07	.48
Habeas Corpus	.05 (.02)	2.23	.01	.06 (.02)	2.61	.01	.04 (.02)	1.68	.05
Public Trial	-.03 (.02)	-1.29	.10	-.04 (.02)	-1.86	.03	.07 (.02)	3.13	.001
Fair Trial	-.05 (.03)	-1.96	.03	-.12 (.03)	-4.11	.0001	-.03 (.03)	-1.13	.13
Torture	.05 (.02)	2.76	.003	.05 (.02)	2.42	.04	-.02 (.01)	-1.35	.08
Civil War	.54 (.05)	11.34	.0001	.45 (.04)	9.11	.0001	-.22 (.04)	-5.06	.0001
International War	.15 (.06)	2.79	.01	.23 (.06)	3.86	.0001	-.18 (.05)	-3.29	.0001
Democracy	-.03 (.00)	-7.10	.0001	-.03 (.00)	-7.72	.0001	.11 (.00)	19.96	.0001
Military Control	.05 (.03)	1.59	.06	.02 (.03)	.69	.25	.02 (.03)	.52	.30
Leftist Regime	-.01 (.04)	-.46	.32	-.11 (.04)	-.279	.01	-.27 (.04)	-6.98	.0001
British Colonial Experience	.001 (.03)	.01	.45	.04 (.03)	1.29	.10	-.06 (.03)	-1.84	.03

Economic	-.01	-5.95	.0001	-.02	-6.54	.0001	.02	4.92	.0001
Development	(.00)			(.00)			(.00)		
Population	.06	6.91	.0001	.08	7.98	.0001	-.01	-1.29	.10
	(.01)			(.01)			(.01)		
Constant	-.07	-.57	.28	-.18	-1.23	.11	.98	7.09	.0001
	(.14)			(.14)			(.14)		
<i>N</i> =2187	<i>R</i> ² =			<i>R</i> ² =			<i>R</i> ² =		
	.76			.74			.92		
	Log Likelihood=			Log Likelihood=			Log Likelihood=		
	-744.00			-861.19			-717.50		
	Chi ² = 7056.49			Chi ² = 6069.78			Chi ² = 25796.19		
	<i>p</i> > .00001			<i>p</i> > .00001			<i>p</i> > .00001		

+Freedom House Civil Rights have been inverted so that higher scores equal higher levels of rights.

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 2.6: The Impact of Constitutional Provisions for Individual Protections on Personal Integrity Rights (1977-1996) (Bill of Rights Index with control variables)

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>		
	<i>Coefficient*</i>	<i>z</i>	<i>p</i>	<i>Coefficient*</i>	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.66 (.01)	50.10	.0001	.66 (.01)	49.84	.0001
Bill of Rights Index	.003 (.00)	1.08	.14	.002 (.00)	.73	.23
Civil War	.57 (.04)	13.67	.001	.47 (.04)	11.04	.0001
International War	.17 (.05)	3.27	.03	.20 (.05)	3.67	.0001
Democracy	-.07 (.01)	-9.17	.0001	-.06 (.01)	-8.28	.0001
Military Control	.08 (.02)	2.96	.01	.07 (.03)	2.46	.07
Leftist Regime	-.07 (.03)	-2.06	.02	-.14 (.04)	-4.16	.0001
British Colonial Experience	-.02 (.02)	-.74	.23	-.03 (.02)	-1.22	.11
Economic Development	-.01 (.00)	-6.13	.0001	-.01 (.00)	-6.26	.0001
Population	.06 (.01)	-9.98	.0001	.07 (.01)	10.82	.0001
Constant	.04 (.10)	.44	.33	-.05 (.10)	-.58	.28
<i>N</i> = 2909	<i>R</i> ² = .77			<i>R</i> ² = .75		
	Log Likelihood = -1014.15			Log Likelihood = -1150.08		
	Chi ² = 9961.11 <i>p</i> > .00001			Chi ² = 8812.02 <i>p</i> > .00001		

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 2.7: The Impact of Constitutional Provisions for Individual Protections on Personal Integrity and Civil Rights (1977-94) (Bill of Rights Index with control variables)

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>			<i>Freedom House Civil Rights⁺</i>		
	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.68 (.01)	45.52	.0001	.66 (.02)	43.55	.0001	.68 (.01)	52.32	.0001
Bill of Rights Index	.002 (.00)	.54	.30	.004 (.00)	1.12	.13	.01 (.00)	4.07	.0001
Civil War	.54 (.05)	11.48	.0001	.46 (.05)	9.41	.0001	-.22 (.04)	-5.10	.0001
International War	.15 (.06)	2.79	.01	.22 (.06)	3.70	.0001	-.20 (.04)	-3.61	.0001
Democracy	-.03 (.00)	-6.89	.0001	-.03 (.00)	-7.04	.0001	.11 (.01)	20.07	.0001
Military Control	.06 (.03)	2.11	.02	.05 (.03)	1.64	.05	.01 (.03)	.48	.32
Leftist Regime	-.03 (.04)	-.86	.20	-.12 (.04)	-3.09	.001	-.26 (.04)	-6.54	.0001
British Colonial Experience	-.03 (.03)	-1.10	.14	-.04 (.03)	-1.35	.09	-.07 (.03)	-2.60	.01
Economic Development	-.01 (.00)	-6.34	.0001	-.02 (.00)	-6.57	.0001	.01 (.00)	5.61	.0001
Population	.06 (.01)	6.64	.0001	.07 (.01)	7.69	.0001	-.01 (.01)	-1.03	.30
Constant	-.02 (.13)	-.20	.42	-.12 (.14)	-.91	.18	.92 (.13)	6.98	.0001
<i>N</i> =2187	<i>R</i> ² = .76			<i>R</i> ² = .73			<i>R</i> ² = .92		
	Log Likelihood= -753.21			Log Likelihood= -725.19			Log Likelihood= -725.19		
	Chi ² = 6978.98			Chi ² = 25600.02			Chi ² = 25600.02		
	<i>p</i> > .00001			<i>p</i> > .00001			<i>p</i> > .00001		

+Freedom House Civil Rights have been inverted so that higher scores equal higher levels of rights.

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 2.8: The Impact of Constitutional Provisions for Individual Protections on Personal Integrity Rights (1977-1996)(four variable index and remaining individual provisions variables)

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>		
	<i>Coefficient *</i>	<i>z</i>	<i>p</i>	<i>Coefficient*</i>	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.85 (.01)	85.94	.0001	.83 (.01)	79.94	.0001
Four Freedoms Index	-.003(.01)	-.36	.36	.001 (.00)	.02	.49
Freedom of Press	-.02 (.02)	-.94	.17	-.001 (.02)	-.06	.38
Right to Strike	-.03 (.03)	-1.03	.15	.001 (.03)	.02	.50
Habeas Corpus	-.003 (.02)	-.19	.43	-.002 (.02)	-.12	.45
Public Trial	-.03 (.02)	-1.43	.07	-.03 (.02)	-1.7	.06
Fair Trial	-.08 (.02)	-3.54	.0001	-.10 (.02)	-4.56	.0001
Torture	.04 (.02)	2.29	.01	.04 (.02)	2.24	.01
Constant	.39 (.03)	12.51	.0001	.44 (.03)	13.16	.0001
<i>N</i> = 2909	<i>R</i> ² = .74			<i>R</i> ² = .72		
	Log Likelihood = -1210.45			Log Likelihood = -1314.38		
	Chi ² = 8336.28 p > .00001			Chi ² = 7560.04. p > .00001		

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 2.9: The Impact of Constitutional Provisions for Individual Protections on Personal Integrity and Civil Rights (1977-94) Four Freedoms Index and Remaining Individual Protections Variables

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>			<i>Freedom House Civil Rights⁺</i>		
	<i>Coef</i> *	<i>Z</i>	<i>p</i>	<i>Coef</i> *	<i>Z</i>	<i>P</i>	<i>Coef</i> *	<i>Z</i>	<i>P</i>
Lagged Dependent Variable	.85 (.01)	72.92	.0001	.82 (.01)	66.42	.0001	.93 (.01)	123.25	.0001
Four Freedoms Index	.01 (.01)	.64	.26	.01 (.01)	.92	.18	.003 (.01)	.28	.39
Freedom of Press	-.04 (.03)	-1.66	.05	-.01 (.03)	-.49	.31	.06 (.02)	2.26	.01
Right to Strike	-.04 (.03)	-1.18	.12	-.03 (.03)	-.85	.20	.06 (.03)	2.01	.02
Habeas Corpus	-.003 (.02)	-.13	.45	-.005 (.02)	-.22	.41	.06 (.02)	2.57	.01
Public Trial	-.04 (.02)	-1.84	.03	-.05 (.03)	-1.96	.03	.04 (.02)	1.76	.04
Fair Trial	-.06 (.03)	-2.39	.02	-.10 (.03)	-3.43	.0001	.01 (.03)	.39	.35
Torture	.04 (.02)	2.33	.01	.05 (.02)	2.63	.00	-.02 (.03)	-1.13	.13
Constant	.40 (.04)	11.04	.0001	.47 (.04)	11.95	.0001	.21 (.03)	6.68	.0001
<i>N</i> =2187	<i>R</i> ² = .73			<i>R</i> ² = .70			<i>R</i> ² = .90		
	Log Likelihood= -883.49			Log Likelihood= -997.70			Log Likelihood= -949.92		
	Chi ² = 5959.46			Chi ² = 5100.78			Chi ² = 20438.03		
	<i>p</i> > .00001			<i>p</i> > .00001			<i>p</i> > .00001		

+Freedom House Civil Rights have been inverted so that higher scores equal higher levels of rights.

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 2.10: The Impact of Constitutional Provisions for Individual Protections on Personal Integrity Rights (1977-1996) (four variable index with control variables)

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>		
	<i>Coefficient*</i>	<i>z</i>	<i>p</i>	<i>Coefficient*</i>	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.65 (.01)	48.55	.0001	.64 (.01)	47.39	.0001
Four Freedoms Index	-.01 (.01)	-1.65	.05	-.01 (.01)	-1.03	.15
Freedom of Press	.02 (.02)	.95	.17	.05 (.02)	1.94	.03
Right to Strike	-.01 (.03)	-.24	.41	.03 (.03)	1.23	.11
Habeas Corpus	.05 (.02)	2.83	.003	.06 (.02)	3.05	.01
Public Trial	-.01 (.02)	-.48	.32	-.02 (.02)	-1.18	.12
Fair Trial	-.06 (.02)	-2.53	.01	-.11 (.02)	-4.65	.0001
Torture	.05 (.02)	2.92	.002	.04 (.02)	2.29	.01
Civil War	.57 (.04)	13.70	.0001	.47 (.04)	11.13	.0001
International War	.17 (.05)	3.38	.0001	.21 (.05)	4.07	.0001
Democracy	-.07 (.01)	-9.36	.0001	-.07 (.01)	-8.89	.0001
Military Control	.07 (.03)	2.47	.01	.05 (.03)	1.83	.03
Leftist Regime	-.06 (.03)	-1.72	.05	-.14 (.04)	-3.90	.0001
British Colonial Experience	.01 (.03)	.55	.29	.05 (.03)	1.77	.04
Economic Development	-.01 (.00)	-5.74	.0001	-.01 (.00)	-6.10	.0001
Population	.07 (.01)	10.14	.0001	.07 (.01)	10.70	.0001
Constant	.03 (.10)	-.28	.39	-.03 (.10)	-.34	.37
<i>N</i> = 2908	<i>R</i> ² = .78			<i>R</i> ² = .76		
	Log Likelihood = -1002.31			Log Likelihood = -1129.15		
	Chi ² = 10066.29 <i>p</i> > .00001			Chi ² = 8981.86 <i>p</i> > .00001		

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 2.11: The Impact of Constitutional Provisions for Individual Protections on Personal Integrity and Civil Rights (1977-94) Four Freedom Index and Remaining Individual Protections (with control variables)

	<i>State Department</i>			<i>Amnesty International</i>			<i>Freedom House Civil Rights⁺</i>		
<i>Variable</i>	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.67 (.02)	43.76	.0001	.64 (.02)	40.80	.0001	.67 (.01)	51.14	.0001
Four Freedoms Index	-.01 (.01)	-1.36	.09	-.01 (.01)	-.85	.20	.01 (.01)	1.18	.12
Freedom of Press	.02 (.03)	.94	.17	.08 (.03)	2.75	.03	.04 (.03)	1.34	.09
Right to Strike	-.02 (.03)	-.59	.28	.02 (.03)	.65	.26	-.00 (.03)	-.11	.46
Habeas Corpus	.05 (.02)	2.25	.01	.06 (.02)	2.81	.003	.04 (.02)	1.78	.04
Public Trial	-.03 (.02)	-1.29	.10	-.04 (.02)	-1.88	.03	.07 (.02)	3.18	.0001
Fair Trial	-.05 (.03)	-1.87	.03	-.12 (.03)	-4.19	.0001	-.03 (.03)	-1.21	.11
Torture	.05 (.01)	2.69	.003	.05 (.02)	2.46	.01	-.02 (.02)	-1.30	.10
Civil War	.54 (.05)	11.39	.0001	.45 (.05)	9.30	.0001	-.22 (.04)	-5.14	.0001
International War	.16 (.06)	2.79	.002	.22 (.06)	3.87	.0001	-.14 (.04)	-3.20	.0001
Democracy	-.03 (.00)	-7.07	.0001	-.03 (.00)	-7.79	.0001	.11 (.01)	20.08	.0001
Military Control	.05 (.03)	1.54	.06	.02 (.03)	.74	.23	.01 (.03)	.44	.33
Leftist Regime	-.02 (.04)	-.50	.31	-.11 (.04)	-2.81	.003	-.27 (.04)	-6.89	.0001
British Colonial Experience	-.003 (.03)	-.09	.46	.04 (.03)	1.33	.10	-.05 (.03)	-1.56	.06
Economic Development	-.01 (.00)	-5.93	.0001	-.02 (.00)	-6.55	.0001	.01 (.00)	4.96	.0001
Population	.06 (.01)	7.18	.0001	.08 (.01)	8.20	.0001	-.01 (.01)	-1.21	.11

Constant	-.09 (.13)	-.67	.25	-.17 (.14)	-1.27	.10	.97	7.11	.0001
<i>N</i> =2187	R^2 = .76 Log Likelihood= -744.55 Chi^2 = 7051.84 $p > .00001$			R^2 = .74 Log Likelihood= -861.40 Chi^2 = 6068.20 $p > .00001$			R^2 = .92 Log Likelihood= -718.83 Chi^2 = 25769.93 $p > .00001$		

+Freedom House Civil Rights have been inverted so that higher scores equal higher levels of rights.

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 2.12: The Impact of Constitutional Provisions for Individual Protections on Personal Integrity Rights (1977-1991) Four Freedoms Index with Remaining Individual Provisions

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>		
	<i>Coefficient*</i>	<i>z</i>	<i>p</i>	<i>Coefficient*</i>	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.60(.02)	35.42	.0001	.63 (.02)	38.7	.0001
Four Freedoms Index	-.03 (.01)	-3.03	.001	-.02 (.01)	-1.81	.04
Freedom of Press	.07 (.03)	2.31	.01	.10 (.03)	3.54	.0001
Right to Strike	.02 (.03)	.54	.30	.05 (.03)	1.66	.05
Habeas Corpus	.08 (.02)	3.69	.0001	.09 (.02)	3.71	.0001
Public Trial	.01 (.02)	.24	.41	-.03 (.02)	-1.11	.13
Fair Trial	-.07 (.03)	-2.41	.01	-.14 (.03)	-4.65	.0001
Torture	.07 (.02)	3.27	.001	.05 (.02)	2.35	.01
Civil War	.58 (.05)	11.00	.0001	.40 (.05)	7.51	.0001
International War	.31 (.05)	6.22	.0001	.25 (.05)	4.85	.0001
Democracy	-.08 (.01)	-9.26	.0001	-.08 (.01)	-8.47	.0001
Military Control	.05 (.03)	1.67	.05	.01 (.03)	.51	.31
Leftist Regime	-.02 (.04)	-.57	.29	-.14 (.04)	-3.52	.0001
British Colonial Experience	.02 (.03)	.60	.27	.05 (.03)	1.49	.07
Economic Development	-.01 (.00)	-4.56	.0001	-.02 (.00)	-5.27	.0001
Population	.06 (.01)	8.24	.0001	.07 (.01)	8.37	.0001
Constant	.18 (.11)	1.63	.05	.14 (.12)	1.19	.12
<i>N</i> = 2089	<i>R</i> ² = .75			<i>R</i> ² = .75		
	Log Likelihood = -715.00			Log Likelihood = -768.70		
	Chi ² = 6322.23 <i>p</i> > .00001			Chi ² = 6322.23 <i>p</i> > .00001		

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 2.13: The Impact of Constitutional Provisions for Individual Protections on Personal Integrity Rights (1992-96) Four Freedoms Index with Remaining Individual Provisions

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>		
	<i>Coefficient*</i>	<i>z</i>	<i>p</i>	<i>Coefficient*</i>	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.70 (.02)	28.90	.0001	.65 (.03)	25.36	.0001
Four Freedoms Index	.001 (.02)	.07	.47	-.003 (.02)	-.15	.44
Freedom of Press	-.06 (.04)	-1.56	.06	-.05 (.04)	-1.18	.12
Right to Strike	-.04 (.05)	-.87	.19	.04 (.05)	.77	.22
Habeas Corpus	.03 (.03)	.82	.20	.02 (.03)	.64	.26
Public Trial	-.04 (.03)	-1.10	.14	-.03 (.04)	-.66	.21
Fair Trial	-.06 (.04)	-1.65	.05	-.08 (.04)	-1.92	.03
Torture	.04 (.03)	1.58	.06	.06 (.03)	2.03	.02
Civil War	.44 (.08)	5.17	.0001	.49 (.09)	5.24	.0001
International War	.15 (.14)	1.10	.14	-.13 (.16)	.82	.21
Democracy	-.05 (.01)	-3.80	.0001	-.06 (.01)	-3.84	.0001
Military Control	.11 (.06)	1.80	.04	.10 (.07)	1.46	.07
Leftist Regime	-.19 (.09)	-2.07	.02	-.20 (.10)	-1.97	.03
British Colonial Experience	.02 (.05)	.52	.30	.08 (.06)	1.42	.08
Economic Development	-.01 (.00)	-4.02	.0001	-.01 (.00)	-3.27	.0001
Population	.08 (.01)	6.39	.0001	.10 (.01)	7.08	.0001
Constant	-.28 (.19)	-1.48	.06	-.50 (.21)	-2.37	.01
<i>N</i> = 820	<i>R</i> ² = .82			<i>R</i> ² = .77		
	Log Likelihood = -289.09			Log Likelihood = -369.97		
	Chi ² = 3759.17 <i>p</i> > .00001			Chi ² = 2746.41 <i>p</i> > .00001		

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 2.14: The Impact of Constitutional Provisions for Individual Protections on Personal Integrity Rights (1977-91) Four Freedoms Index and Remaining Individual Protections

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>			<i>Freedom House Civil Rights⁺</i>		
	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>P</i>
Lagged Dependent Variable	.63 (.02)	35.06	.0001	.64 (.02)	36.20	.0001	.68 (.01)	46.75	.0001
Four Freedoms Index	-.03 (.01)	-2.59	.01	-.02 (.01)	-.1.54	.06	.01 (.01)	1.23	.11
Freedom of Press	.05 (.03)	1.81	.04	.10 (.03)	3.14	.001	.02 (.03)	.80	.21
Right to Strike	-.01 (.04)	-.80	.19	.03 (.04)	.83	.40	.01 (.03)	.18	.43
Habeas Corpus	.07 (.02)	3.12	.001	.08 (.02)	3.21	.001	.05 (.02)	2.10	.02
Public Trial	-.01 (.02)	-.25	.40	-.03 (.03)	-1.28	.10	.06 (.02)	2.58	.01
Fair Trial	-.06 (.03)	-1.90	.03	-.14 (.03)	-4.12	.0001	-.06 (.03)	-2.11	.02
Torture	.06 (.02)	3.14	.001	.05 (.02)	2.57	.01	-.01 (.02)	-.68	.25
Civil War	.52 (.06)	9.27	.0001	.36 (.06)	6.43	.0001	-.21 (.05)	-4.20	.0001
International War	.32 (.05)	6.12	.0001	.26 (.05)	4.79	.0001	-.14 (.05)	-2.88	.002
Democracy	-.03 (.00)	-7.28	.0001	-.04 (.00)	-7.38	.0001	.10 (.01)	18.60	.0001
Military Control	.05 (.03)	1.50	.08	-.01 (.03)	-.24	.40	-.02 (.03)	-.63	.26
Leftist Regime	.02 (.04)	.61	.27	-.10 (.04)	-2.39	.01	-.29 (.04)	-6.97	.0001
British Colonial Experience	.01 (.03)	.25	.40	.03 (.04)	.79	.21	-.04 (.03)	-1.32	.09
Economic Development	-.02 (.00)	-5.22	.0001	-.02 (.00)	-5.95	.0001	.01 (.00)	4.30	.0001
Population	.06 (.01)	6.05	.0001	.06 (.01)	6.36	.0001	.002 (.01)	.28	.39

Constant	.03 (.14)	.24	.40	.02 (.15)	.17	.43	.79 (.14)	5.49	.0001
<i>N</i> =1796	<i>R</i> ² = .75 Log Likelihood= -603.58 Chi ² = 5402.11 <i>p</i> > .00001			<i>R</i> ² = .73 Log Likelihood= -678.26 Chi ² = 4875.48 <i>p</i> > .00001			<i>R</i> ² = .93 Log Likelihood= -535.89 Chi ² = 23111.03 <i>p</i> > .00001		

+Freedom House Civil Rights have been inverted so that higher scores equal higher levels of rights.

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 2.15: The Impact of Constitutional Provisions for Individual Protections on Personal Integrity and Civil Rights (1992-94) Four Freedom Index and Remaining Individual Protections

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>			<i>Freedom House Civil Rights⁺</i>		
	<i>Coef *</i>	<i>z</i>	<i>p</i>	<i>Coef *</i>	<i>z</i>	<i>p</i>	<i>Coef *</i>	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.73 (.03)	21.72	.0001	.64 (.04)	17.14	.0001	.60 (.03)	18.20	.0001
Four Freedoms Index	.01 (.02)	.59	.28	.01 (.03)	.21	.42	.04 (.02)	1.76	.04
Freedom of Press	-.09 (.06)	-1.49	.07	.03 (.07)	.38	.35	.09 (.06)	1.41	.08
Right to Strike	-.06 (.07)	-.88	.19	.02 (.08)	.31	.38	-.07 (.07)	-1.01	.16
Habeas Corpus	.03 (.04)	.74	.23	.04 (.05)	.73	.23	-.01 (.05)	-.11	.46
Public Trial	-.11 (.05)	-2.05	.02	-.10 (.06)	-1.72	.04	.11 (.05)	1.92	.03
Fair Trial	-.06 (.06)	-1.06	.14	-.11 (.07)	-1.70	.05	.06 (.06)	1.09	.14
Torture	.05 (.04)	1.17	.12	.08 (.05)	1.81	.03	-.05 (.04)	-1.37	.09
Civil War	.38 (.13)	2.67	.004	.40 (.15)	2.56	.01	-.16 (.14)	-1.19	.12
International War	.11 (.19)	.56	.29	.07 (.22)	.33	.37	.13 (.20)	.66	.26
Democracy	-.03 (.00)	-3.12	.001	-.03 (.01)	-2.88	.002	.12 (.01)	9.17	.0001
Military Control	.09 (.09)	1.04	.15	.21 (.10)	2.16	.02	-.16 (.09)	1.74	.04
Leftist Regime	-.10 (.13)	.76	.22	-.16 (.15)	-1.07	.14	-.50 (.14)	-3.49	.0001
British Colonial Experience	-.08 (.08)	-.58	.29	.13 (.09)	1.48	.07	-.13 (.08)	-1.68	.05
Economic Development	-.01 (.00)	-3.41	.0001	-.01 (.00)	-2.77	.003	.02 (.00)	3.57	.0001
Population	.08 (.02)	3.75	.0001	.12 (.02)	5.15	.0001	-.09 (.02)	-4.12	.0001

Constant	-.24 (.31)	-.77	.22	-.97 (.36)	-2.68	.003	2.15 (.37)	5.89	.0001
<i>N</i> =390	<i>R</i> ² = .82 Log Likelihood= -134.68 Chi ² = 1723.66 <i>p</i> > .00001			<i>R</i> ² = .74 Log Likelihood= -192.74 Chi ² = 1137.24 <i>p</i> > .00001			<i>R</i> ² = .90 Log Likelihood= -157.66 Chi ² = 3439.42 <i>p</i> > .00001		

+Freedom House Civil Rights have been inverted so that higher scores equal higher levels of rights.

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 3.1: Frequency of Constitutional Provisions for Judicial Independence (1976-1996)

<i>Variable</i>	<i>Level of Provision</i>	<i>Frequency (N=3207)</i>	<i>Percentage</i>
Guaranteed Terms	0	1466	45.71%
	1	454	14.16%
	2	1287	40.13%
Decisions Final	0	2367	73.81%
	1	130	4.05%
	2	710	22.14%
Exclusive Authority	0	1751	54.60%
	1	484	15.09%
	2	972	30.31%
No Exceptional Courts	-1	247	7.70%
	0	2362	73.65%
	1	88	2.74%
	2	510	15.90%
Fiscal Autonomy	0	2555	79.67%
	1	119	3.71%
	2	533	16.62%
Separation of Powers	0	1424	44.40%
	1	324	10.10%
	2	1459	45.49%
Enumerated Qualifications	0	2135	66.57%
	1	220	6.86%
	2	852	26.57%
Judicial Review	-1	174	5.43%
	0	1802	56.19%
	1	453	14.13%
	2	778	24.26%
Hierarchical System	0	1243	38.76%
	1	185	5.77%

2	1779	55.47%
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Table 3.2: The Impact of Constitutional Provisions for Judicial Independence Index on Personal Integrity and Civil Rights Bivariate Analysis

<i>Freedom House -Restricted Data Set (1977-1996)</i>									
<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>					
	<i>Coefficient*</i>	<i>z</i>	<i>P</i>	<i>Coefficient*</i>	<i>Z</i>	<i>P</i>			
Judicial Independence Index (original coding)	-.004 (.00)	-1.89	.03	-.001 (.00)	-.25				.40
Judicial Independence Index (collapsed coding)	-.01 (.00)	-2.09	.02	-.002 (.00)	-.43				.33
<i>Polity III -Restricted Data Set (1977-1994)</i>									
<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>			<i>Freedom House Civil Rights⁺</i>		
	<i>Coef *</i>	<i>Z</i>	<i>p</i>	<i>Coef *</i>	<i>z</i>	<i>p</i>	<i>Coef *</i>	<i>Z</i>	<i>p</i>
Judicial Independence Index (original coding)	-.01 (.00)	-2.16	.02	-.002 (.00)	-.90	.20	.04 (.00)	7.41	.0001
Judicial Independence Index (collapsed coding)	-.01 (.00)	-2.43	.01	-.01 (.00)	-1.02	.15	.02 (.00)	7.49	.0001

+Freedom House Civil Rights have been inverted so that higher scores equal higher levels of rights.

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

TABLE 3.3: THE IMPACT OF CONSTITUTIONAL PROVISIONS FOR JUDICIAL INDEPENDENCE ON PERSONAL INTEGRITY RIGHTS (1977-1996)(JUDICIAL INDEPENDENCE INDEX WITH CONTROL VARIABLES)

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>		
	<i>Coefficient*</i>	<i>z</i>	<i>p</i>	<i>Coefficient*</i>	<i>Z</i>	<i>P</i>
Lagged Dependent Variable	.66 (.01)	50.00	.0001	.66 (.01)	49.52	.0001
Judicial Independence Index	.01 (.00)	2.28	.01	.02 (.00)	3.44	.0001
Civil War	.57 (.04)	13.74	.0001	.47 (.04)	11.14	.0001
International War	.17 (.05)	3.38	.0001	.21 (.05)	3.86	.0001
Democracy	-.07 (.01)	-9.61	.0001	-.07 (.01)	-9.31	.0001
Military Control	.08 (.00)	2.97	.002	.07 (.03)	2.49	.06
Leftist Regime	-.06 (.03)	-1.73	.04	-.13 (.04)	-3.62	.0001
British Colonial Experience	-.01 (.00)	-.58	.28	-.02 (.02)	-.96	.17
Economic Development	-.01 (.00)	-6.29	.0001	-.01 (.00)	-6.36	.0001
Population	.06 (.01)	9.32	.0001	.07 (.01)	9.99	.0001
Constant	.08 (.10)	.87	.19	.01 (.10)	.02	.45
<i>N</i> = 2909	<i>R</i> ² = .77			<i>R</i> ² = .75		
	Log Likelihood = -1012.13			Log Likelihood = -1144.42		
	Chi ² = 9978.98 <i>p</i> > .00001			Chi ² = 8857.68 <i>p</i> > .00001		

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 3.4: The Impact of Constitutional Provisions for Judicial Independence on Personal Integrity and Civil Rights (1977-94)(Judicial Independence Index with control variables)

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>			<i>Freedom House Civil Rights⁺</i>		
	<i>Coef</i> *	<i>Z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>Z</i>	<i>p</i>
Lagged Dependent Variable	.68 (.01)	45.45	.0001	.66 (.02)	43.26	.0001	.68 (.01)	52.58	.0001
Judicial Independence Index	.01 (.01)	1.41	.08	.01 (.00)	3.30	.001	.02 (.01)	3.89	.0001
Civil War	.54 (.05)	11.53	.0001	.47 (.05)	9.60	.0001	-.21 (.04)	-4.92	.0001
International War	.16 (.06)	2.85	.002	.23 (.06)	3.87	.0001	-.20 (.05)	-3.62	.0001
Democracy	-.03 (.00)	-7.00	.0001	-.03 (.00)	-7.76	.0001	.11 (.00)	19.34	.0001
Military Control	.06 (.03)	2.13	.02	.05 (.03)	1.71	.01	.02 (.03)	.54	.29
Leftist Regime	-.02 (.04)	-.55	.29	-.09 (.04)	-2.39	.01	-.23 (.04)	-6.02	.0001
British Colonial Experience	-.03 (.03)	-1.00	.16	-.03 (.03)	-1.19	.12	-.06 (.03)	-2.35	.01
Economic Development	-.01 (.00)	-6.31	.0001	-.02 (.00)	-6.40	.0001	.01 (.00)	5.53	.0001
Population	.05 (.01)	6.43	.0001	.07 (.01)	7.31	.0001	-.01 (.01)	-1.29	.10
Constant	-.02 (.13)	-.12	.45	-.09 (.14)	-.73	.23	.95 (.13)	7.17	.0001
<i>N</i> =2187	<i>R</i> ² = .76 Log Likelihood= -752.35 Chi ² = 6986.13 <i>p</i> > .00001			<i>R</i> ² = .73 Log Likelihood= -875.31 Chi ² = 5963.92 <i>p</i> > .00001			<i>R</i> ² = .92 Log Likelihood= -725.89 Chi ² = 25582.14 <i>p</i> > .00001		

+Freedom House Civil Rights have been inverted so that higher scores equal higher levels of rights.

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 3.5: The Impact of Constitutional Provisions for Judicial Independence on Personal Integrity Rights (1977-1996)Judicial Independence Index without Democracy

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>		
	<i>Coefficient*</i>	<i>z</i>	<i>p</i>	<i>Coefficient*</i>	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.70 (.01)	56.45	.0001	.70 (.01)	54.57	.0001
Judicial Independence Index	-.01 (.00)	-1.73	.04	-.001 (.00)	-.34	.36
Civil War	.55 (.04)	13.08	.0001	.47 (.04)	10.88	.0001
International War	.18 (.05)	3.52	.0001	.22 (.03)	4.10	.0001
Military Control	.17 (.03)	6.35	.0001	.15 (.03)	5.63	.0001
Leftist Regime	.03 (.03)	.76	.22	-.03 (.03)	-1.00	.16
British Colonial Experience	-.01 (.02)	-.59	.28	-.02 (.02)	-1.00	.16
Economic Development	-.01 (.00)	-7.95	.0001	-.02 (.00)	-8.16	.0001
Population	.06 (.01)	8.70	.0001	.06 (.01)	9.36	.0001
Constant	-.20 (.10)	-2.15	.02	-.27 (.10)	-2.79	.001
<i>N</i> = 2909	<i>R</i> ² = .78			<i>R</i> ² = .75		
	Log Likelihood = -1057.60			Log Likelihood = -1187.14		
	Chi ² = 9582.39 <i>p</i> > .00001			Chi ² = 8517.14 <i>p</i> > .00001		

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 3.6: The Impact of Constitutional Provisions for Judicial Independence on Personal Integrity and Civil Rights (1977-94)Judicial Independence Index without Democracy

Variable	State Department			Amnesty International			Freedom House Civil Rights ⁺		
	Coef *	z	p	Coef *	z	p	Coef *	z	p
Lagged Dependent Variable	.71 (.01)	49.08	.0001	.69 (.01)	46.69	.0001	.85 (.01)	84.33	.0001
Judicial Independence Index	-.01 (.00)	-1.60	.06	.001 (.01)	-.10	.46	.04 (.00)	7.11	.0001
Civil War	.50 (.05)	10.62	.0001	.42 (.05)	8.65	.0001	-.10 (.05)	-2.29	.01
International War	.17 (.06)	3.00	.001	.24 (.06)	4.04	.0001	-.20 (.06)	-3.44	.0001
Military Control	.13 (.03)	4.50	.0001	.13 (.03)	4.18	.0001	-.11 (.03)	-3.63	.0001
Leftist Regime	.02 (.04)	.51	.31	-.04 (.04)	-1.00	.16	-.19 (.04)	-4.43	.0001
British Colonial Experience	-.02 (.03)	-.81	.21	-.03 (.03)	-.90	.19	-.06 (.03)	-2.08	.02
Economic Development	-.02 (.00)	-8.21	.0001	-.02 (.00)	-8.62	.0001	.01 (.00)	5.53	.01
Population	.05 (.01)	5.60	.0001	.06 (.01)	6.45	.0001	-.004 (.01)	-.41	.34
Constant	-.05 (.13)	-.41	.21	-.14 (.14)	-1.00	.16	.52 (.14)	3.69	.0001
N=2187	R ² = .76			R ² = .72			R ² = .91		
	Log Likelihood= -776.56			Log Likelihood= -905.04			Log Likelihood= -898.45		
	Chi ² = 6785.31			Chi ² = 5745.25			Chi ² = 21528.36		
	p > .00001			p > .00001			p > .00001		

+Freedom House Civil Rights have been inverted so that higher scores equal higher levels of rights.

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 3.7: The Impact of Constitutional Provisions for Judicial Independence on Personal Integrity Rights (1977-1996)

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>		
	<i>Coefficient *</i>	<i>z</i>	<i>p</i>	<i>Coefficient *</i>	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.85 (.01)	85.91	.0001	.83 (.01)	79.82	.0001
Guaranteed Terms	-.09 (.03)	-2.67	.004	-.11 (.04)	-2.94	.03
Decisions Final	-.02 (.03)	-.53	.30	-.04 (.03)	-1.15	.13
Exclusive Authority	-.03 (.03)	-.99	.13	.01 (.03)	.21	.42
No Exceptional Courts	-.07 (.02)	-3.22	.0001	-.08 (.02)	-3.46	.0001
Fiscal Autonomy	.04 (.03)	1.21	.12	.06 (.03)	2.00	.02
Separation of Powers	-.02 (.04)	-.63	.27	-.02 (.04)	-.68	.26
Enumerated Qualifications	.06 (.03)	1.95	.03	.07 (.03)	2.43	.08
Judicial Review	.07 (.02)	2.71	.004	.09 (.03)	3.58	.0001
Hierarchical System	-.01 (.03)	-.18	.44	-.01 (.03)	-.22	.42
Constant	.40 (.03)	12.46	.0001	.44 (.03)	12.79	.0001
<i>N</i> = 2909	$R^2 = .74$			$R^2 = .72$		
	Log Likelihood = -1208.41			Log Likelihood = -1314.31		
	Chi ² = 8352.06 <i>p</i> > .00001			Chi ² = 7560.53 <i>p</i> > .00001		

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 3.8: The Impact of Constitutional Provisions for Judicial Independence on Personal Integrity and Civil Rights (1977-94)

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>			<i>Freedom House Civil Rights⁺</i>		
	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>P</i>
Lagged Dependent Variable	.85 (.01)	71.02	.0001	.81 (.01)	65.17	.0001	.91 (.01)	109.64	.0001
Guaranteed Terms	-.07 (.04)	-1.94	.03	-.12 (.04)	-2.87	.002	.09 (.04)	2.09	.02
Decisions Final	-.03 (.04)	-.84	.20	-.04 (.04)	-1.20	.12	.05 (.04)	1.36	.09
Exclusive Authority	-.01 (.03)	-.33	.37	.03 (.04)	.82	.21	.04 (.04)	1.13	.13
No Exceptional Courts	-.09 (.03)	-3.70	.0001	-.11 (.03)	-4.17	.0001	.08 (.03)	3.20	.0001
Fiscal Autonomy	.01 (.04)	.29	.39	.05 (.04)	1.23	.11	.01 (.03)	.24	.41
Separation of Powers	-.02 (.04)	-.56	.28	-.02 (.04)	-.46	.32	.07 (.04)	1.62	.05
Enumerated Qualifications	.05 (.03)	1.64	.05	.09 (.03)	2.61	.01	.02 (.03)	.54	.30
Judicial Review	.04 (.03)	1.58	.06	.07 (.03)	2.42	.01	-.01 (.03)	-.37	.36
Hierarchical System	-.01 (.03)	-.17	.43	-.01 (.03)	-.42	.34	.05 (.03)	1.46	.08
Constant	.43 (.04)	11.11	.0001	.51 (.04)	12.06	.0001	.20 (.03)	6.44	.0001
<i>N</i> =2187	<i>R</i> ² = .73			<i>R</i> ² = .70			<i>R</i> ² = .90		
	Log Likelihood= -880.16			Log Likelihood= -992.39			Log Likelihood= -936.15		
	Chi ² = 5971.19			Chi ² = 5136.28			Chi ² = 20724.79		
	<i>p</i> > .00001			<i>p</i> > .00001			<i>p</i> > .00001		

+Freedom House Civil Rights have been inverted so that higher scores equal higher levels of rights.

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 3.9: The Impact of Constitutional Provisions for Judicial Independence on Personal Integrity Rights (1977-1996)(with control variables)

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>		
	<i>Coefficient*</i>	<i>z</i>	<i>p</i>	<i>Coefficient*</i>	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.65 (.01)	49.12	.0001	.65 (.01)	53.15	.0001
Guaranteed Terms	-.001 (.03)	-.06	.48	-.02 (.03)	-.75	.23
Decisions Final	-.03 (.03)	-.94	.17	-.06 (.03)	-2.53	.01
Exclusive Authority	-.03 (.03)	-1.32	.09	.003 (.03)	.14	.44
No Exceptional Courts	-.01 (.02)	-.61	.27	-.04 (.02)	-3.07	.001
Fiscal Autonomy	.06 (.03)	2.09	.02	.09 (.03)	3.41	.001
Separation of Powers	.02 (.03)	.73	.23	.03 (.04)	.92	.18
Enumerated Qualifications	.06 (.03)	2.22	.01	.08 (.03)	2.81	.01
Judicial Review	.06 (.02)	2.27	.01	.10 (.03)	5.26	.0001
Hierarchical System	-.02 (.03)	-.69	.24	-.03 (.03)	-1.27	.10
Civil War	.55 (.04)	13.32	.0001	.45 (.04)	-.11	.46
International War	.18 (.05)	3.47	.0001	.21 (.05)	2.77	.003
Democracy	-.07 (.01)	-9.57	.0001	-.07 (.01)	-10.00	.0001
Military Control	.08 (.03)	2.74	.003	.06 (.03)	-.45	.33
Leftist Regime	-.02 (.04)	-.57	.28	-.08 (.04)	-1.96	.03
British Colonial Experience	-.02 (.02)	-.93	.18	-.03 (.03)	.98	.17
Economic Development	-.01 (.00)	-5.70	.0001	-.01 (.00)	-5.87	.0001
Population	.06 (.01)	9.20	.0001	.07 (.01)	9.82	.0001
Constant	.11 (.10)	1.17	.12	.02 (.10)	.35	.36

N = 2909

$R^2 = .78$

Log Likelihood = -1004.59

Chi² = 10046.03 *p* > .00001

$R^2 = .76$

Log Likelihood = -1130.89

Chi² = 8967.67 *p* > .00001

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 3.10: The Impact of Constitutional Provisions for Judicial Independence on Personal Integrity and Civil Rights (1977-94)(with control variables)

	<i>State Department</i>			<i>Amnesty International</i>			<i>Freedom House Civil Rights⁺</i>		
<i>Variable</i>	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.68 (.02)	44.51	.0001	.65 (.02)	41.79	.0001	.68 (.01)	51.35	.0001
Guaranteed Terms	.002 (.03)	.06	.48	-.06 (.04)	-1.53	.06	.10 (.04)	2.47	.01
Decisions Final	-.02 (.03)	-.64	.26	-.04 (.04)	-1.18	.12	.03 (.03)	.85	.20
Exclusive Authority	-.04 (.03)	-1.09	.14	.01 (.03)	.37	.36	.06 (.03)	1.93	.03
No Exceptional Courts	-.02 (.03)	-.60	.27	-.05 (.03)	-1.68	.05	.02 (.03)	.77	.22
Fiscal Autonomy	.03 (.03)	.84	.20	.07 (.04)	1.91	.03	-.01 (.03)	-.20	.42
Separation of Powers	.05 (.04)	1.26	.10	.06 (.04)	1.39	.08	-.07 (.04)	-1.75	.04
Enumerated Qualifications	.05 (.03)	1.60	.06	.10 (.03)	2.81	.003	.05 (.03)	1.59	.06
Judicial Review	.02 (.03)	.81	.21	.08 (.03)	2.64	.004	.01 (.03)	.44	.33
Hierarchical System	-.03 (.03)	-.81	.21	-.04 (.03)	-1.09	.12	-.003 (.03)	-.08	.47
Civil War	.53 (.04)	11.12	.0001	.43 (.05)	8.78	.0001	-.20 (.04)	-4.63	.0001
International War	.16 (.06)	2.87	.002	.23 (.06)	3.87	.0001	-.20 (.05)	-3.74	.0001
Democracy	-.02 (.00)	-6.87	.0001	-.03 (.00)	-7.27	.0001	.11 (.01)	19.32	.0001
Military Control	.07 (.03)	2.20	.02	.05 (.03)	1.53	.07	.02 (.03)	.69	.25
Leftist Regime	.01 (.04)	.13	.45	-.05 (.04)	-1.23	.11	-.23 (.04)	-5.60	.0001
British Colonial Experience	-.04 (.03)	-1.36	.09	-.03 (.03)	-1.07	.14	-.06 (.03)	-1.91	.03
Economic Development	-.01 (.00)	-5.72	.0001	-.01 (.00)	-5.83	.0001	.01 (.00)	5.63	.0001

Population	.06 (.01)	6.39	.0001	.07 (.01)	7.77	.0001	-.01 (.01)	-1.00	.16
Constant	-.03 (.13)	-.21	.41	-.17 (.14)	-1.22	.11	.92 (.14)	6.77	.0001
<i>N</i> =2187	<i>R</i> ² = .76			<i>R</i> ² = .73			<i>R</i> ² = .92		
	Log Likelihood= -749.00			Log Likelihood= -866.68			Log Likelihood= -720.93		
	Chi ² = 7014.27			Chi ² = 6028.48			Chi ² = 25708.76		
	<i>p</i> > .00001			<i>p</i> > .00001			<i>p</i> > .00001		

+Freedom House Civil Rights have been inverted so that higher scores equal higher levels of rights.

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 3.11: The Impact of Constitutional Provisions for Judicial Independence on Personal Integrity Rights (1977-1991)

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>		
	<i>Coefficient*</i>	<i>z</i>	<i>p</i>	<i>Coefficient*</i>	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.61 (.02)	36.35	.0001	.63 (.02)	39.66	.0001
Guaranteed Terms	-.001 (.04)	-.03	.49	-.04 (.04)	-.88	.19
Decisions Final	-.05 (.04)	-1.47	.07	-.05 (.04)	-1.41	.08
Exclusive Authority	.001 (.03)	.03	.49	.03 (.03)	.98	.16
No Exceptional Courts	-.002 (.03)	-.06	.47	-.03 (.03)	-.89	.19
Fiscal Autonomy	.10 (.03)	2.61	.01	.09 (.04)	2.47	.01
Separation of Powers	.06 (.04)	1.53	.09	.07 (.04)	1.61	.05
Enumerated Qualifications	.13 (.03)	3.86	.0001	.14 (.03)	3.34	.0001
Judicial Review	.04 (.03)	1.49	.07	.10 (.03)	4.06	.0001
Hierarchical System	-.07 (.03)	-2.17	.02	-.07 (.03)	-2.18	.01
Civil War	.61 (.05)	12.35	.0001	.45 (.05)	9.00	.0001
International War	.24 (.05)	4.47	.0001	.25 (.06)	4.52	.0001
Democracy	-.08 (.01)	-9.07	.0001	-.08 (.01)	-8.37	.0001
Military Control	.10 (.03)	3.03	.001	.05 (.03)	1.57	.06
Leftist Regime	.05 (.04)	1.26	.10	-.04 (.04)	-1.05	.15
British Colonial Experience	-.03 (.03)	-1.02	.10	-.04 (.03)	-1.46	.07
Economic Development	-.01 (.00)	-4.08	.0001	-.01 (.00)	-4.67	.0001
Population	.05 (.01)	7.33	.0001	.06 (.01)	7.91	.0001
Constant	.25 (.11)	2.42	.01	.17 (.12)	1.46	.07
<i>N</i> = 2089	<i>R</i> ² = .75			<i>R</i> ² = .75		
	Log Likelihood = -703.62			Log Likelihood = -755.18		
	Chi ² = 6414.39 <i>p</i> > .00001			Chi ² = 6279.19 <i>p</i> > .00001		

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 3.12: The Impact of Constitutional Provisions for Judicial Independence on Personal Integrity Rights (1992-96)

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>		
	<i>Coefficient*</i>	<i>z</i>	<i>p</i>	<i>Coefficient*</i>	<i>z</i>	<i>pP</i>
Lagged Dependent Variable	.67 (.02)	27.46	.0001	.63 (.03)	24.27	.0001
Guaranteed Terms	.02 (.06)	.30	.39	-.02 (.07)	.27	.39
Decisions Final	-.04 (.05)	-.79	.22	-.09 (.05)	-1.60	.05
Exclusive Authority	-.13 (.06)	-2.27	.01	-.05 (.06)	-.73	.23
No Exceptional Courts	-.03 (.04)	-.80	.21	-.07 (.05)	-1.30	.10
Fiscal Autonomy	.01 (.05)	.27	.39	.07 (.06)	1.29	.10
Separation of Powers	-.09 (.07)	-1.28	.10	-.09 (.08)	-1.21	.11
Enumerated Qualifications	-.05 (.05)	-.95	.17	-.05 (.06)	-.90	.18
Judicial Review	.10 (.05)	2.26	.01	.15 (.05)	2.87	.01
Hierarchical System	.08 (.05)	1.59	.06	.08 (.06)	1.31	.10
Civil War	.54 (.08)	6.75	.0001	.54 (.09)	6.27	.0001
International War	-.06 (.18)	-.33	.37	-.23 (.20)	-1.17	.12
Democracy	-.05 (.01)	-4.08	.0001	-.06 (.01)	-4.15	.0001
Leftist Regime	-.08 (.06)	-1.33	.04	-.20 (.11)	1.26	.10
Military Control	.08 (.06)	1.75	.04	.08 (.07)	-1.89	.03
British Colonial Experience	.004 (.05)	.09	.47	.02 (.05)	.44	.33
Economic Development	-.01 (.00)	-5.02	.0001	-.01 (.00)	-4.51	.0001
Population	.08 (.01)	6.40	.0001	.10 (.01)	6.85	.0001
Constant	-.18 (.19)	-.99	.16	-.37 (.21)	-1.75	.04
<i>N</i> = 820	<i>R</i> ² = .82			<i>R</i> ² = .77		
	Log Likelihood = -280.90			Log Likelihood = -364.17		
	Chi ² = 3851.64 <i>p</i> > .00001			Chi ² = 2797.29 <i>p</i> > .00001		

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 3.13: The Impact of Constitutional Provisions for Judicial Independence on Personal Integrity and Civil Rights (1977-91)

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>			<i>Freedom House Civil Rights⁺</i>		
	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>P</i>
Lagged Dependent Variable	.64 (.02)	36.24	.0001	.64 (.02)	37.39	.0001	.67 (.01)	46.65	.0001
Guaranteed Terms	.002 (.04)	.04	.48	-.06 (.04)	-1.43	.07	.10 (.04)	2.50	.01
Decisions Final	-.05 (.04)	-1.25	.10	-.04 (.04)	-1.09	.13	.05 (.04)	1.27	.10
Exclusive Authority	-.03 (.04)	-.75	.23	.03 (.04)	.70	.24	.08 (.03)	2.27	.01
No Exceptional Courts	-.01 (.03)	-.22	.41	-.04 (.03)	-1.17	.12	.01 (.03)	.41	.34
Fiscal Autonomy	.07 (.04)	1.82	.03	.08 (.04)	2.19	.01	-.01 (.04)	-.29	.38
Separation of Powers	.09 (.04)	2.00	.02	.08 (.04)	1.87	.03	-.11 (.04)	-2.57	.01
Enumerated Qualifications	.09 (.04)	2.43	.02	.11 (.04)	3.10	.001	.05 (.03)	1.55	.06
Judicial Review	.01 (.03)	.32	.36	.08 (.03)	2.27	.01	.05 (.03)	1.46	.07
Hierarchical System	-.05 (.03)	-1.46	.07	-.06 (.04)	-1.65	.05	-.02 (.03)	-.56	.29
Civil War	.58 (.05)	11.06	.0001	.43 (.05)	8.19	.0001	-.22 (.05)	-4.88	.0001
International War	.21 (.06)	3.75	.0001	.27 (.06)	4.50	.0001	-.23 (.05)	-4.22	.0001
Democracy	-.03 (.00)	-7.06	.0001	-.03 (.00)	-6.94	.0001	.11 (.01)	18.39	.0001
Military Control	.09 (.03)	2.78	.01	.03 (.03)	.83	.20	-.02 (.03)	-.54	.30
Leftist Regime	.06 (.04)	2.73	.003	-.03 (.04)	-.86	.20	-.24 (.04)	-5.51	.0001
British Colonial Experience	-.04 (.03)	-1.19	.12	-.05 (.03)	-1.53	.06	-.05 (.03)	-1.72	.04
Economic Development	-.01 (.00)	-4.65	.0001	-.02 (.00)	-5.22	.0001	.01 (.00)	4.85	.0001

Population	.05 (.01)	5.57	.0001	.06 (.01)	6.24	.0001	.01 (.01)	.85	.20
Constant	.06 (.15)	.39	.35	.00 (.15)	.00	.45	.73 (.14)	5.05	.0001
<i>N</i> =1796	<i>R</i> ² = .75 Log Likelihood= -595.24 Chi ² = 5469.25 <i>p</i> > .00001			<i>R</i> ² = .73 Log Likelihood= -699.47 Chi ² = 4755.10 <i>p</i> > .00001			<i>R</i> ² = .93 Log Likelihood= -527.11 Chi ² = 23355.48 <i>p</i> > .00001		

+Freedom House Civil Rights have been inverted so that higher scores equal higher levels of rights.

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 3.14: The Impact of Constitutional Provisions for Judicial Independence on Personal Integrity and Civil Rights (1992-94)

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>			<i>Freedom House Civil Rights⁺</i>		
	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>P</i>
Lagged Dependent Variable	.71 (.03)	20.68	.0001	.62 (.04)	15.99	.0001	.60 (.03)	18.17	.0001
Guaranteed Terms	.06 (.09)	.61	.27	-.07 (.11)	-.68	.25	.06 (.10)	.57	.28
Decisions Final	-.01 (.07)	-.07	.47	-.09 (.09)	-1.02	.15	.02 (.08)	.29	.38
Exclusive Authority	-.14 (.08)	-1.75	.04	-.07 (.09)	-.75	.23	.08 (.09)	.93	.17
No Exceptional Courts	-.04 (.06)	-.68	.25	-.08 (.07)	-1.29	.12	.05 (.06)	.75	.23
Fiscal Autonomy	-.06 (.07)	-.87	.20	.002 (.09)	.03	.48	-.04 (.08)	-.46	.32
Separation of Powers	-.11 (.10)	-1.14	.12	-.04 (.11)	-.37	.36	.06 (.11)	.52	.30
Enumerated Qualifications	-.06 (.07)	-.77	.22	.02 (.08)	.26	.40	.14 (.08)	1.83	.03
Judicial Review	.05 (.08)	.67	.25	.18 (.09)	2.01	.02	-.16 (.09)	-1.95	.03
Hierarchical System	.07 (.07)	1.00	.16	.06 (.09)	.67	.25	.04 (.08)	.62	.27
Civil War	.54 (.12)	4.66	.0001	.50 (.14)	3.69	.0001	-.13 (.12)	-1.10	.13
International War	-.02 (.22)	-.08	.46	-.22 (.27)	-.83	.20	-.28 (.25)	-1.13	.13
Democracy	-.03 (.01)	-2.89	.002	-.03 (.01)	-2.40	.01	.12 (.01)	8.85	.0001
Military Control	.04 (.08)	.52	.30	.20 (.10)	2.07	.02	.18 (.09)	1.96	.03
Leftist Regime	-.09 (.14)	-.63	.26	-.08 (.16)	-.48	.31	-.48 (.15)	-3.12	.001
British Colonial Experience	-.06 (.07)	.91	.18	.05 (.08)	.65	.26	-.12 (.08)	-1.56	.06
Economic Development	-.02 (.00)	-4.17	.0001	-.02 (.00)	-3.41	.0001	.02 (.01)	4.52	.0001

Population	.07 (.02)	3.51	.0001	.12 (.02)	5.06	.0001	-.08 (.02)	-3.87	.0001
Constant	-.08 (.32)	-.27	.39	-.87 (.37)	-2.32	.01	2.14 (.38)	5.66	.0001
<i>N</i> =391	R^2 = .82			R^2 = .75			R^2 = .90		
	Log Likelihood= -128.97			Log Likelihood= -189.92			Log Likelihood= -527.11		
	Chi ² = 1786.32			Chi ² = 1159.44			Chi ² = 23355.48		
	$p > .00001$			$p > .00001$			$p > .00001$		

+Freedom House Civil Rights have been inverted so that higher scores equal higher levels of rights.

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 4.1: Frequency of Constitutional Provisions for States of Emergency (1976-1996)

<i>Variable</i>	<i>Level of Provision</i>	<i>Frequency (N=3220)</i>	<i>Percentage</i>
Legislative Declaration	-1	1052	32.67%
	0	1209	37.55%
	1	757	23.51%
	2	202	6.27%
Duration Limited	0	2093	65.00%
	1	324	10.06%
	2	803	24.94%
Cannot Dissolve Legislature	-1	23	0.71%
	0	2611	81.09%
	1	325	10.09%
	2	261	8.11%
List Non-Derogable Rights	0	2907	90.28%
	1	313	9.72%
Mention State of Emergency	0	1208	37.52%
	1	2012	62.48%

Table 4.2: The Impact of Constitutional States of Emergency Provisions on Personal Integrity and Civil Rights(Bivariate Relationships)

<i>Freedom House -Restricted Data Set (1977-1994)</i>									
	<i>State Department</i>			<i>Amnesty International</i>					
<i>Variable</i>	<i>Coefficient*</i>	<i>z</i>	<i>p</i>	<i>Coefficient*</i>	<i>z</i>	<i>p</i>			
Legislative Declaration	-.02 (.01)	-1.81	.04	-.02 (.01)	-1.41	.08			
Limited Duration	-.01 (.01)	-.47	.64	-.01 (.01)	-.64	.52			
Cannot Dissolve Legislature	-.02 (.02)	-1.09	.13	-.00 (.02)	-.10	.46			
Non-Derogable Rights	-.00 (.04)	-.10	.92	.01 (.04)	.15	.88			
Full Specification Index	-.01 (.01)	-1.77	.08	-.01 (.01)	-1.19	.24			
Mention State of Emergency	.02 (.02)	.76	.44	.04 (.02)	1.80	.06			
<i>Polity III -Restricted Data Set (1977-1994)</i>									
	<i>State Department</i>			<i>Amnesty International</i>			<i>Freedom House Civil Rights⁺</i>		
<i>Variable</i>	<i>Coef *</i>	<i>z</i>	<i>p</i>	<i>Coef *</i>	<i>z</i>	<i>p</i>	<i>Coef *</i>	<i>z</i>	<i>P</i>
Legislative Declaration	-.02 (.01)	-1.30	.10	-.02 (.01)	-1.07	.14	.02 (.01)	1.25	.11
Limited Duration	.02 (.01)	1.28	.20	.02 (.02)	1.18	.24	.03 (.02)	1.85	.06
Cannot Dissolve Legislation	-.01 (.02)	-.36	.36	.03 (.02)	1.31	.09	.06 (.02)	2.76	.003
Non-Derogable Rights	.06 (.05)	1.21	.22	.01 (.05)	.29	.76	.06 (.05)	1.17	.24
Full Specification Index	.001 (.01)	.02	.98	.01 (.01)	.60	.56	.03 (.01)	3.12	.002
Mention State of Emergency	.06 (.03)	2.35	.04	.09 (.03)	3.11	.002	.04 (.03)	1.32	.18

+Freedom House Civil Rights have been inverted so that higher scores equal higher levels of rights.

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 4.3: The Impact of Constitutional States of Emergency Provisions on Personal Integrity Rights (1977-1996)

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>		
	<i>Coefficient *</i>	<i>z</i>	<i>p</i>	<i>Coefficient *</i>	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.86 (.01)	90.69	.0001	.85 (.01)	86.11	.0001
Legislative Declaration	-.02 (.01)	-1.96	.03	-.02 (.01)	-1.42	.08
Limited Duration	-.001 (.01)	-.07	.94	-.01 (.01)	-.60	.56
Cannot Dissolve Legislature	-.02 (.02)	-1.27	.10	-.002 (.02)	-.15	.44
Non-Derogable Rights	.01 (.04)	.27	.78	.01 (.04)	.36	.72
Constant	.33 (.03)	12.62	.0001	.38 (.03)	13.42	.0001
<i>N</i> = 2909	<i>R</i> ² = .74			<i>R</i> ² = .72		
	Log Likelihood = -1220.49			Log Likelihood = -1329.77		
	Chi ² = 8258.90 <i>p</i> > .00001			Chi ² = 7449.87 <i>p</i> > .00001		

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 4.4: The Impact of Constitutional States of Emergency Provisions on Personal Integrity and Civil Rights (1977-94)

	<i>State Department</i>			<i>Amnesty International</i>			<i>Freedom House Civil Rights⁺</i>		
<i>Variable</i>	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>P</i>
Lagged Dependent Variable	.86 (.01)	76.46	.0001	.83 (.01)	70.55	.0001	.94 (.01)	139.46	.0001
Legislative Declaration	-.02 (.01)	-1.58	.06	-.01 (.01)	-.96	.34	.02 (.01)	1.56	.06
Limited Duration	.02 (.02)	1.44	.16	.01 (.02)	-.86	.38	.01 (.02)	.89	.38
Cannot Dissolve Legislature	-.03 (.02)	-1.11	.14	.02 (.02)	.82	.44	.05 (.02)	2.51	.01
Non-Derogable Rights	.06 (.03)	1.24	.22	.01 (.05)	.20	.84	.04 (.05)	.77	.44
Constant	.34 (.03)	11.19	.0001	.42 (.03)	12.32	.0001	.21 (.03)	7.29	.0001
<i>N</i> =2187	<i>R</i> ² = .73			<i>R</i> ² = .70			<i>R</i> ² = .90		
	Log Likelihood= -889.10			Log Likelihood= -1006.94			Log Likelihood= -960.74		
	Chi ² = 5907.81			Chi ² = 5039.49			Chi ² = 20215.19		
	<i>p</i> > .00001			<i>p</i> > .00001			<i>p</i> > .00001		

+Freedom House Civil Rights have been inverted so that higher scores equal higher levels of rights.

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 4.5: The Impact of Constitutional States of Emergency Provisions on Personal Integrity Rights (1977-1996)

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>		
	<i>Coefficient *</i>	<i>z</i>	<i>p</i>	<i>Coefficient *</i>	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.65 (.01)	49.04	.0001	.66 (.01)	49.06	.0001
Legislative Declaration	-.01 (.01)	-.58	.26	-.01 (.01)	-.90	.19
Limited Duration	.04 (.01)	2.93	.004	.03 (.02)	2.12	.04
Cannot Dissolve Legislature	-.05 (.01)	-2.70	.003	-.03 (.02)	-1.35	.09
Non-Derogable Rights	.09 (.04)	2.53	.02	.07 (.04)	1.78	.08
Civil War	.58 (.04)	13.94	.0001	.48 (.04)	11.19	.0001
International War	.17 (.05)	3.27	.0001	.20 (.05)	3.67	.0001
Democracy	-.07 (.01)	-10.23	.0001	-.06 (.01)	-9.05	.0001
Military Control	.07 (.03)	2.64	.004	.07 (.03)	2.27	.01
Leftist Regime	-.07 (.03)	-2.04	.02	-.15 (.04)	-4.04	.0001
British Colonial Experience	-.04 (.02)	-1.59	.06	-.04 (.03)	-1.73	.04
Economic Development	-.01 (.00)	-5.19	.0001	-.01 (.00)	-5.45	.0001
Population	.06 (.01)	10.31	.0001	.07 (.01)	11.05	.0001
Constant	.15 (.10)	.49	.31	-.06 (.10)	-.63	.27
<i>N</i> = 2909	$R^2 = .78$			$R^2 = .75$		
	Log Likelihood = -1005.60			Log Likelihood = -1145.97		
	Chi ² = 10037.03 <i>p</i> > .00001			Chi ² = 8845.21 <i>p</i> > .00001		

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 4.6: The Impact of Constitutional States of Emergency Provisions on Personal Integrity and Civil Rights (1977-94)

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>			<i>Freedom House Civil Rights⁺</i>		
	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>P</i>
Lagged Dependent Variable	.67 (.02)	44.38	.0001	.66 (.02)	42.79	.0001	.69 (.01)	53.50	.0001
Legislative Declaration	-.01 (.01)	-1.58	-.31	-.003 (.01)	-.22	.42	-.01 (.01)	-.43	.34
Limited Duration	.05 (.02)	3.12	.002	.04 (.02)	2.15	.04	.01 (.02)	.34	.74
Cannot Dissolve Legislature	-.05 (.02)	-2.22	.01	.002 (.02)	.11	.45	.05 (.02)	1.80	.04
Non-Derogable Rights	.12 (.05)	2.62	.02	.06 (.05)	1.31	.20	-.04 (.05)	-.96	.34
Civil War	.56 (.05)	11.81	.0001	.47 (.05)	9.49	.0001	-.21 (.05)	-4.84	.0001
International War	.16 (.05)	2.85	.002	.22 (.06)	3.75	.0001	-.20 (.05)	-3.70	.0001
Democracy	-.03 (.00)	-8.01	.0001	-.03 (.00)	-7.43	.0001	.11 (.01)	20.23	.0001
Military Control	.06 (.03)	1.84	.03	.05 (.03)	1.65	.05	.02 (.03)	.73	.23
Leftist Regime	-.02 (.04)	-.61	.27	-.11 (.04)	-2.78	.003	-.25 (.04)	-6.49	.0001
British Colonial Experience	-.05 (.03)	-1.82	.03	-.05 (.03)	-1.66	.05	-.07 (.03)	-2.45	.01
Economic Development	-.01 (.00)	-5.15	.0001	-.01 (.00)	-5.67	.0001	.01 (.00)	4.92	.0001
Population	.06 (.01)	6.89	.0001	.07 (.01)	7.90	.0001	-.01 (.01)	-.64	.26
Constant	.03 (.12)	-.25	.40	-.14 (.13)	-1.03	.15	.89 (.13)	6.73	.0001
<i>N</i> =2187	<i>R</i> ² = .76			<i>R</i> ² = .73			<i>R</i> ² = .92		
	Log Likelihood= -743.97			Log Likelihood= -876.92			Log Likelihood= -730.67		

Chi² = 7056.71
 $p > .00001$

Chi² = 5951.87
 $p > .00001$

Chi² = 25461.21
 $p > .00001$

+Freedom House Civil Rights have been inverted so that higher scores equal higher levels of rights.

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 4.7: The Impact of Constitutional States of Emergency Provisions on Personal Integrity Rights (1977-1996) Full Specification of States of Emergency Index

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>		
	<i>Coefficient *</i>	<i>z</i>	<i>p</i>	<i>Coefficient *</i>	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.66 (.01)	49.95	.0001	.66 (.01)	49.72	.0001
State of Emergency Index	.01 (.01)	1.14	.26	.01 (.01)	.87	.38
Civil War	.57 (.04)	13.71	.0001	.47 (.04)	11.11	.0001
International War	.17 (.05)	3.27	.0001	.20 (.05)	3.67	.0001
Democracy	-.06 (.01)	-9.50	.0001	-.06 (.01)	-8.62	.0001
Military Control	.07 (.03)	3.03	.001	.07 (.03)	2.51	.01
Leftist Regime	-.07 (.03)	-2.02	.02	-.15 (.04)	-4.12	.0001
British Colonial Experience	-.02 (.02)	-.81	.21	-.03 (.02)	-1.27	.10
Economic Development	-.01 (.00)	-6.03	.0001	-.01 (.00)	-6.16	.0001
Population	.06 (.01)	10.04	.0001	.07 (.01)	10.87	.0001
Constant	.03 (.10)	.41	.34	-.06 (.10)	-.61	.27
<i>N</i> = 2909	$R^2 = .77$			$R^2 = .75$		
	Log Likelihood = -1014.08			Log Likelihood = -1149.96		
	Chi ² = 9961.71 <i>p</i> > .00001			Chi ² = 8812.98 <i>p</i> > .00001		

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 4.8: The Impact of Constitutional States of Emergency Provisions on Personal Integrity and Civil Rights (1977-94) Full Specification of State of Emergency Index

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>			<i>Freedom House Civil Rights⁺</i>		
	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>P</i>
Lagged Dependent Variable	.68 (.02)	45.17	.0001	.66 (.02)	43.33	.0001	.69 (.01)	53.64	.0001
State of Emergency Index	.01 (.01)	1.71	.08	.02 (.01)	1.91	.06	.01 (.01)	.65	.52
Civil War	.54 (.05)	11.49	.0001	.46 (.05)	9.42	.0001	-.21 (.05)	-4.81	.0001
International War	.16 (.05)	2.87	.002	.22 (.06)	3.75	.0001	-.20 (.05)	-3.73	.0001
Democracy	-.03 (.00)	-7.23	.0001	-.03 (.00)	-7.23	.0001	.11 (.01)	20.14	.0001
Military Control	.06 (.03)	2.18	.03	.06 (.03)	1.74	.04	.02 (.03)	.57	.28
Leftist Regime	-.02 (.04)	-.65	.26	-.12 (.04)	-2.96	.002	-.26 (.04)	6.75	.0001
British Colonial Experience	-.03 (.03)	-1.21	.11	-.04 (.03)	-1.47	.05	-.07 (.03)	-2.68	.0001
Economic Development	-.01 (.00)	-6.14	.0001	-.01 (.00)	-6.37	.0001	.01 (.00)	5.13	.0001
Population	.06 (.01)	6.74	.0001	.07 (.01)	7.84	.0001	-.01 (.01)	-.63	.26
Constant	-.03 (.13)	-.25	.40	-.13 (.14)	-.97	.17	.90 (.13)	6.80	.0001
<i>N</i> =2187	<i>R</i> ² = .76			<i>R</i> ² = .73			<i>R</i> ² = .92		
	Log Likelihood= -751.89			Log Likelihood= -733.23			Log Likelihood= -733.23		
	Chi ² = 6990.01			Chi ² = 25396.52			Chi ² = 25396.52		
	<i>p</i> > .00001			<i>p</i> > .00001			<i>p</i> > .00001		

+Freedom House Civil Rights have been inverted so that higher scores equal higher levels of rights.

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 4.7: The Impact of Constitutional States of Emergency Provisions on Personal Integrity Rights (1977-1996) Full Specification of States of Emergency Index

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>		
	<i>Coefficient *</i>	<i>z</i>	<i>p</i>	<i>Coefficient *</i>	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.66 (.01)	49.95	.0001	.66 (.01)	49.72	.0001
State of Emergency Index	.01 (.01)	1.14	.26	.01 (.01)	-.87	.38
Civil War	.57 (.04)	13.71	.0001	.47 (.04)	11.11	.0001
International War	.17 (.05)	3.27	.0001	.20 (.05)	3.67	.0001
Democracy	-.06 (.01)	-9.50	.0001	-.06 (.01)	-8.62	.0001
Military Control	.07 (.03)	3.03	.001	.07 (.03)	2.51	.01
Leftist Regime	-.07 (.03)	-2.02	.02	-.15 (.04)	-4.12	.0001
British Colonial Experience	-.02 (.02)	-.81	.21	-.03 (.02)	-1.27	.10
Economic Development	-.01 (.00)	-6.03	.0001	-.01 (.00)	-6.16	.0001
Population	.06 (.01)	10.04	.0001	.07 (.01)	10.87	.0001
Constant	.03 (.10)	.41	.34	-.06 (.10)	-.61	.27
<i>N</i> = 2909	<i>R</i> ² = .77			<i>R</i> ² = .75		
	Log Likelihood = -1014.08			Log Likelihood = -1149.96		
	Chi ² = 9961.71 <i>p</i> > .00001			Chi ² = 8812.98 <i>p</i> > .00001		

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 4.9: The Impact of Constitutional States of Emergency Provisions on Personal Integrity Rights (1977-1991)

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>		
	<i>Coefficient *</i>	<i>z</i>	<i>p</i>	<i>Coefficient *</i>	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.62 (.02)	37.53	.0001	.66 (.02)	41.52	.0001
Legislative Declaration	-.01 (.01)	-.31	.37	-.01 (.01)	-.17	.43
Limited Duration	.04 (.02)	2.45	.02	.02 (.02)	.99	.32
Cannot Dissolve Legislature	-.02 (.03)	-.83	.20	.02 (.03)	.74	.23
Non-Derogable Rights	.09 (.04)	1.77	.08	.05 (.05)	.93	.36
Civil War	.62 (.05)	12.57	.0001	.46 (.05)	9.38	.0001
International War	.22 (.05)	4.05	.0001	.24 (.06)	4.27	.0001
Democracy	-.08 (.01)	-9.11	.0001	-.06 (.01)	-7.51	.0001
Military Control	.09 (.03)	2.91	.002	.07 (.03)	2.04	.02
Leftist Regime	-.02 (.04)	-.54	.39	-.13 (.04)	-3.44	.0001
British Colonial Experience	-.04 (.03)	-1.39	.08	-.05 (.03)	-1.2	.04
Economic Development	-.01 (.00)	-3.61	.0001	-.01 (.00)	-4.24	.0001
Population	.06 (.01)	8.57	.0001	.07 (.01)	8.80	.0001
Constant	.12 (.11)	1.11	.13	.04 (.11)	.31	.38
<i>N</i> = 2089	<i>R</i> ² = .75			<i>R</i> ² = .74		
	Log Likelihood = -716.31			Log Likelihood = -777.69		
	Chi ² = 6311.69 p > .00001			Chi ² = 6100.77 p > .00001		

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 4.10: The Impact of Constitutional States of Emergency Provisions on Personal Integrity Rights (1992-96)

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>		
	<i>Coefficient *</i>	<i>z</i>	<i>p</i>	<i>Coefficient *</i>	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.68 (.02)	28.01	.0001	.64 (.03)	25.13	.0001
Legislative Declaration	-.03 (.02)	-1.61	.05	-.02 (.02)	-.91	.18
Limited Duration	.02 (.02)	.77	.44	.04 (.03)	1.62	.10
Cannot Dissolve Legislature	-.10 (.03)	-3.66	.0001	-.08 (.03)	-2.58	.01
Non-Derogable Rights	.07 (.05)	1.24	.22	.09 (.06)	1.46	.16
Civil War	.52 (.08)	6.66	.0001	.54 (.08)	6.36	.0001
International War	-.09 (.18)	-.49	.31	-.24 (.20)	-1.23	.11
Democracy	-.06 (.01)	-4.56	.0001	-.06 (.01)	-4.58	.0001
Military Control	.09 (.06)	1.57	.06	.08 (.07)	1.30	.09
Leftist Regime	-.02 (.09)	-2.40	.01	-.24 (.10)	-2.42	.01
British Colonial Experience	-.03 (.04)	-.57	.28	-.02 (.05)	-.32	.37
Economic Development	-.01 (.00)	-4.66	.0001	-.01 (.00)	-3.70	.0001
Population	.07 (.01)	6.08	.0001	.09 (.01)	6.72	.0001
Constant	-.10 (.18)	-.55	.29	-.30 (.21)	-1.44	.08
<i>N</i> = 820	<i>R</i> ² = .82			<i>R</i> ² = .77		
	Log Likelihood = -281.87			Log Likelihood = -366.94		
	Chi ² = 3840.57 p > .00001			Chi ² = 2772.91 p > .00001		

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 4.11: The Impact of Constitutional States of Emergency Provisions on Personal Integrity and Civil Rights (1977-91)

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>			<i>Freedom House Civil Rights⁺</i>		
	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.64 (.02)	37.02	.0001	.66 (.02)	38.79	.0001	.69 (.01)	49.41	.0001
Legislative Declaration	.003 (.02)	.24	.41	-.001 (.02)	-.11	.45	-.01 (.01)	-.90	.19
Limited Duration	.05 (.02)	2.72	.006	.02 (.02)	1.14	.26	.04 (.02)	2.11	.04
Cannot Dissolve Legislature	-.03 (.03)	-1.27	.10	.02 (.03)	.65	.26	.01 (.03)	.31	.38
Non-Derogable Rights	.05 (.06)	.96	.34	.03 (.06)	.47	.64	-.01 (.05)	-.23	.82
Civil War	.59 (.06)	11.40	.0001	.45 (.05)	8.59	.0001	-.22 (.05)	-4.84	.0001
International War	.20 (.06)	3.52	.0001	.25 (.06)	4.29	.0001	-.22 (.05)	-4.03	.0001
Democracy	-.03 (.00)	-7.42	.0001	-.03 (.00)	-6.51	.0001	.11 (.01)	18.63	.0001
Military Control	.07 (.03)	2.02	.01	.03 (.03)	.95	.17	-.01 (.03)	-.31	.38
Leftist Regime	.02 (.04)	.46	.32	-.11 (.04)	-2.74	.003	-.26 (.04)	-6.51	.0001
British Colonial Experience	-.04 (.03)	-1.46	.07	-.06 (.03)	-1.86	.03	-.09 (.03)	-3.07	.0001
Economic Development	-.01 (.00)	-4.28	.0001	-.02 (.00)	-5.26	.0001	.01 (.00)	4.79	.0001
Population	.06 (.01)	6.17	.0001	.06 (.01)	6.42	.0001	.01 (.01)	.89	.18
Constant	.02 (.14)	.00	.46	.01 (.14)	.06	.48	.72 (.13)	5.19	.0001
<i>N</i> =1796	<i>R</i> ² = .75			<i>R</i> ² = .73			<i>R</i> ² = .93		

Log Likelihood=	Log Likelihood=	Log Likelihood=
-600.12	-681.67	-539.37
Chi ² = 5429.86	Chi ² = 4850.18	Chi ² = 23014.60
<i>p</i> > .00001	<i>p</i> > .00001	<i>p</i> > .00001

+Freedom House Civil Rights have been inverted so that higher scores equal higher levels of rights.

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 4.12: The Impact of Constitutional States of Emergency Provisions on Personal Integrity and Civil Rights (1992-94)

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>			<i>Freedom House Civil Rights⁺</i>		
	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.68 (.03)	20.25	.0001	.62 (.04)	16.44	.0001	.63 (.03)	18.88	.0001
Legislative Declaration	-.04 (.03)	-1.72	.04	-.01 (.03)	-.30	.38	.03 (.03)	1.04	.15
Limited Duration	.05 (.03)	1.39	.16	.09 (.04)	2.20	.26	-.06 (.04)	-1.72	.08
Cannot Dissolve Legislature	-.16 (.04)	-3.92	.0001	-.06 (.05)	-1.18	.12	.14 (.05)	2.96	.002
Non-Derogable Rights	.23 (.08)	2.70	.006	.16 (.10)	1.66	.10	-.07 (.09)	-.80	.42
Civil War	.54 (.11)	4.76	.0001	.55 (.13)	4.15	.0001	-.14 (.11)	-1.22	.11
International War	.01 (.22)	.04	.49	-.17 (.26)	-.66	.25	-.36 (.25)	-1.45	.07
Democracy	-.05 (.01)	-4.95	.0001	-.03 (.00)	-3.71	.0001	.13 (.01)	9.73	.0001
Military Control	.09 (.08)	1.10	.14	.22 (.10)	2.31	.01	.13 (.09)	1.45	.07
Leftist Regime	-.14 (.13)	-1.13	.13	-.13 (.15)	-.87	.19	-.37 (.14)	-2.62	.01
British Colonial Experience	-.10 (.06)	-1.65	.05	-.01 (.07)	-.09	.46	-.03 (.07)	-.42	.33
Economic Development	-.01 (.00)	-3.77	.0001	-.01 (.00)	-2.66	.004	.01 (.00)	3.20	.0001
Population	.07 (.02)	3.61	.0001	.11 (.02)	4.81	.0001	-.06 (.02)	-3.08	.001
Constant	.04 (.30)	.12	.45	-.67 (.36)	-1.88	.03	1.82 (.36)	5.01	.0001
<i>N</i> =391	R ² = .75			R ² = .75			R ² = .90		

Log Likelihood=	Log Likelihood=	Log Likelihood=
-123.45	-189.56	-162.24
Chi ² = 1848.69	Chi ² = 1162.26	<i>p</i> Chi ² = 3350.87
<i>p</i> > .00001	> .00001	<i>p</i> > .00001

+Freedom House Civil Rights have been inverted so that higher scores equal higher levels of rights.

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 4.13: The Impact of Constitutional States of Emergency Provisions on Personal Integrity Rights (1977-96) Controlling for Internal Threats

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>		
	<i>Coefficient *</i>	<i>z</i>	<i>p</i>	<i>Coefficient *</i>	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.63 (.01)	47.28	.0001	.63 (.01)	46.89	.0001
Organized Non-Violent Protest	.05 (.02)	1.96	.03	.02 (.03)	.98	.16
Organized Non-Violent Rebellion	.13 (.04)	3.42	.0001	.10 (.04)	2.33	.01
Organized Violent Rebellion	.18 (.02)	7.03	.0001	.19 (.03)	7.57	.0001
Legislative Declaration	.001 (.02)	.03	.48	-.004 (.01)	-.35	.36
Limited Duration	.04 (.01)	2.53	.12	.03 (.01)	1.85	.06
Cannot Dissolve Legislature	-.05 (.02)	-2.83	.003	-.03 (.02)	-1.44	.07
Non-Derogable Rights	.10 (.04)	2.82	.006	.07 (.04)	1.97	.06
Civil War	.56 (.04)	13.63	.0001	.45 (.04)	10.67	.0001
International War	.16 (.05)	3.18	.0001	.18 (.05)	3.48	.0001
Democracy	-.07 (.01)	-10.81	.0001	-.07 (.01)	-9.67	.0001
Military Control	.04 (.03)	1.56	.06	.04 (.03)	1.27	.10
Leftist Regime	-.05 (.03)	-1.50	.07	-.13 (.04)	-3.70	.0001
British Colonial Experience	-.03 (.02)	-1.46	.07	-.04 (.03)	-1.73	.04
Economic Development	-.01 (.00)	-4.19	.0001	-.01 (.00)	-4.67	.0001
Population	.05 (.01)	8.56	.0001	.07 (.01)	9.82	.0001
Constant	-.18 (.09)	1.89	.03	.05 (.21)	.52	.30
<i>N</i> = 2909	<i>R</i> ² = .78			<i>R</i> ² = .76		
	Log Likelihood = -968.87			Log Likelihood = -1112.18		
	Chi ² = 10368.05 <i>p</i> > .00001			Chi ² = 9121.45 <i>p</i> > .00001		

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 4.14: The Impact of Constitutional States of Emergency Provisions on Personal Integrity and Civil Rights (1977-94) Controlling for Domestic Threats

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>			<i>Freedom House Civil Rights⁺</i>		
	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.65 (.02)	42.88	.0001	.64 (.02)	40.95	.0001	.69 (.01)	53.25	.0001
Organized Non-Violent Protest	.06 (.03)	2.22	.01	-.004 (.03)	-.13	.45	.10 (.03)	3.64	.0001
Organized Non-Violent Rebellion	.17 (.04)	3.91	.0001	.15 (.05)	3.17	.001	.04 (.04)	1.03	.15
Organized Violent Rebellion	.16 (.03)	5.92	.0001	.20 (.03)	6.78	.0001	-.10 (.03)	-3.80	.0001
Legislative Declaration	.002 (.01)	.21	.42	.001 (.01)	.30	.38	-.01 (.01)	-.73	.23
Limited Duration	.05 (.02)	2.78	.006	.04 (.02)	2.02	.04	.002 (.02)	.14	.88
Cannot Dissolve Legislature	-.06 (.02)	-2.51	.01	-.003 (.02)	-.11	.46	.04 (.02)	1.81	.03
Non-Derogable Rights	.13 (.05)	2.80	.006	.07 (.05)	1.52	.12	-.05 (.05)	-1.10	.26
Civil War	.54 (.05)	11.63	.0001	.44 (.05)	9.04	.0001	-.18 (.04)	-4.08	.0001
International War	.15 (.05)	2.75	.003	.20 (.06)	3.39	.0001	-.17 (.05)	-3.10	.001
Democracy	-.03 (.00)	-8.60	.0001	-.03 (.00)	-8.10	.0001	.11 (.01)	20.74	.0001
Military Control	.02 (.03)	.97	.16	.03 (.03)	.78	.22	.03 (.03)	1.11	.13
Leftist Regime	.002 (.04)	.07	.37	-.11 (.04)	-2.55	.01	-.24 (.04)	-6.23	.0001
British Colonial Experience	-.04 (.03)	-1.61	.05	-.05 (.03)	1.85	.03	-.05 (.03)	-1.91	.03
Economic Development	-.01 (.00)	-4.07	.0001	-.01 (.00)	-5.00	.0001	.01 (.00)	5.23	.0001

Population	.05 (.01)	5.40	.0001	.06 (.01)	6.99	.0001	-.01 (.01)	-1.06	.15
Constant	.12 (.13)	.93	.46	-.02 (.14)	-.15	.03	.93 (.13)	6.99	.0001
<i>N</i> =2187	<i>R</i> ² = .77 Log Likelihood= -710.98 Chi ² = 7339.86 <i>p</i> > .00001			<i>R</i> ² = .74 Log Likelihood= -715.24 Chi ² = 25854.01 <i>p</i> > .00001			<i>R</i> ² = .92 Log Likelihood= -715.24 Chi ² = 25854.01 <i>p</i> > .00001		

+Freedom House Civil Rights have been inverted so that higher scores equal higher levels of rights.

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 4.15: The Impact of Constitutional States of Emergency Provisions on Personal Integrity Rights (1985-96) Controlling for Declared States of Emergency

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>		
	<i>Coefficient *</i>	<i>z</i>	<i>p</i>	<i>Coefficient *</i>	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.65 (.02)	38.52	.0001	.64 (.02)	36.65	.0001
UN Reported Declaration of State of Emergency	-.003 (.03)	-.10	.46	.03 (.03)	.71	.28
Legislative Declaration	-.02 (.01)	-1.38	.08	-.02 (.02)	-.79	.26
Limited Duration	.05 (.02)	2.58	.02	.04 (.02)	2.20	.02
Cannot Dissolve Legislature	-.06 (.02)	-2.55	.06	-.03 (.02)	-1.12	.13
Non-Derogable Rights	.09 (.04)	2.13	.04	.09 (.04)	2.06	.04
Civil War	.58 (.05)	11.55	.0001	.51 (.05)	9.78	.0001
International War	.14 (.07)	1.99	.02	.17 (.08)	2.29	.01
Democracy	-.07 (.01)	-7.96	.0001	-.07 (.01)	-9.78	.0001
Military Control	.06 (.04)	1.72	.04	.05 (.04)	1.19	.12
Leftist Regime	-.10 (.05)	-2.10	.02	-.12 (.05)	-2.24	.01
British Colonial Experience	-.03 (.03)	-1.11	.13	-.01 (.03)	-.44	.33
Economic Development	-.01 (.00)	-5.24	.0001	-.01 (.00)	-4.70	.0001
Population	.07 (.01)	9.26	.0001	.09 (.01)	10.09	.0001
Constant	-.07 (.12)	-.55	.28	-.24 (.13)	-1.85	.03
<i>N</i> = 1863	<i>R</i> ² = .78			<i>R</i> ² = .72		
	Log Likelihood = -675.55			Log Likelihood = -791.65		
	Chi ² = 7145.36 <i>p</i> > .00001			Chi ² = 5694.85 <i>p</i> > .00001		

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 4.16: The Impact of Constitutional States of Emergency Provisions on Personal Integrity and Civil Rights (1985-94) Controlling for Declared States of Emergency

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>			<i>Freedom House Civil Rights⁺</i>		
	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.66 (.02)	32.36	.0001	.63 (.02)	29.68	.0001	.68 (.02)	37.98	.0001
U.N. Reported Declaration of State of Emergency	.04 (.04)	.91	.18	.06 (.05)	1.44	.08	.01 (.04)	.25	.40
Legislative Declaration	-.02 (.02)	-1.19	.12	-.01 (.02)	-.37	.26	-.001 (.01)	-.04	.48
Limited Duration	.06 (.02)	2.64	.01	.05 (.02)	1.94	.04	-.01 (.02)	-.60	.54
Cannot Dissolve Legislature	-.06 (.03)	-2.62	.004	.02 (.03)	.57	.28	.04 (.03)	1.29	.10
Non-Derogable Rights	.15 (.06)	2.62	.01	.12 (.06)	1.90	.06	-.09 (.06)	-1.53	.08
Civil War	.57 (.06)	9.49	.0001	.51 (.06)	7.90	.0001	-.21 (.05)	-3.83	.0001
International War	.13 (.05)	1.68	.05	.20 (.09)	2.28	.01	-.25 (.08)	-3.14	.001
Democracy	-.03 (.01)	-9.49	.0001	-.03 (.01)	-4.65	.0001	.11 (.01)	14.75	.0001
Military Control	.04 (.04)	.96	.17	.06 (.05)	1.24	.11	.01 (.04)	.19	.43
Leftist Regime	-.03 (.05)	-.61	.27	-.02 (.06)	-.41	.34	-.25 (.06)	-4.44	.0001
British Colonial Experience	-.05 (.04)	-1.37	.09	-.001 (.04)	.02	.49	-.08 (.04)	-2.11	.02
Economic Development	-.01 (.00)	-4.89	.0001	-.02 (.00)	-4.77	.0001	.01 (.00)	3.43	.0001
Population	.07 (.01)	6.00	.0001	.08 (.01)	6.72	.0001	-.02 (.01)	-1.99	.02
Constant	.13 (.18)	-.74	.28	-.33 (.20)	-1.74	.04	1.22 (.18)	6.62	.0001

$N=1271$	$R^2=$.78	$R^2=$.72	$R^2=$.92
	Log Likelihood= -473.14	Log Likelihood= -572.72	Log Likelihood= -474.30
	$\text{Chi}^2=4416.52$	$\text{Chi}^2=3304.66$	$\text{Chi}^2=13664.21$
	$p > .00001$	$p > .00001$	$p > .00001$

+Freedom House Civil Rights have been inverted so that higher scores equal higher levels of rights.

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 5.1: Tests of the Differences of Means in Human Rights Behavior for Parties and Non-Parties of the International Covenant on Civil and Political Rights

<i>International Instrument</i>	<i>Parties</i>	<i>Mean for Non-Parties</i>	<i>Mean Difference</i>	<i>Level of Significance</i>
Freedom House Civil Rights⁺				
Covenant on Civil and Political Rights (ICCPR)	4.32 (1707)	3.41 (1633)	.91	<.0001
Optional Protocol for ICCPR	4.97 (961)	3.43 (2379)	1.53	<.0001
ICCPR minus derogators	4.33 (1544)	3.48 (1796)	.85	<.0001
Freedom House Political Rights⁺				
Covenant on Civil and Political Rights (ICCPR)	4.42 (1707)	3.34 (1633)	1.08	<.0001
Optional Protocol for ICCPR	5.17 (961)	3.37 (2379)	1.80	<.0001
ICCPR minus derogators	4.41 (1544)	3.45 (1796)	.96	<.0001
Personal Integrity Rights based on State Department Country Reports				
Covenant on Civil and Political Rights (ICCPR)	2.30 (1674)	2.26 (1581)	.04	<.18
Optional Protocol for ICCPR	2.06 (956)	2.37 (2299)	-.31	<.0001
ICCPR minus derogators	2.21 (1511)	2.34 (1602)	-.13	<.001
Personal Integrity Rights based on Amnesty International Reports				
Covenant on Civil and Political Rights (ICCPR)	2.43 (1674)	2.44 (1581)	-.01	<.36
Optional Protocol for ICCPR	2.17 (956)	2.55 (2299)	-.38	<.0001
ICCPR minus derogators	2.33 (1511)	2.52 (1744)	-.20	<.0001

+Freedom House Civil Rights have been inverted so that higher scores equal higher levels of rights.

N (number of nation-years) is in parentheses.

Table 5.2: Tests of the Differences of Means for Parties Behavior Before and After Becoming a Party to the International Covenant on Civil and Political Rights (1976-96)

Human Rights Measure	Mean Last 2 Years Before Becoming a Party	Mean 1st 2 Years After Becoming a Party	Mean Difference	Level of Significance
Freedom House Civil Rights ⁺	4.31 (140)	4.40 (140)	-.09	<.36
Freedom House Political Rights ⁺	3.98 (140)	4.41 (140)	-.43	<.06
Personal Integrity Rights based on State Department Country Reports	3.01 (140)	2.27 (140)	.72	<.15
Personal Integrity Rights based on Amnesty International Reports	3.00 (140)	2.26 (140)	.74	<.15
<i>Human Rights Measure</i>	<i>Mean Last 2 Years Before Becoming a Party</i>	<i>Mean First 4 Years After Becoming a Party</i>	<i>Mean Difference</i>	<i>Level of Significance</i>
Freedom House Civil Rights ⁺	4.37 (124)	3.36 (248)	.01	<.49
Freedom House Political Rights ⁺	3.99 (124)	4.46 (248)	-.47	<.03
Personal Integrity Rights based on State Department Country Reports	2.27 (124)	2.29 (248)	-.02	<.44
Personal Integrity Rights based on Amnesty International Reports	2.45 (124)	2.45 (248)	.00	<.50
<i>Human Rights Measure</i>	<i>Mean Last 2 Years Before Becoming a Party</i>	<i>Mean 3 and 4 Years After Becoming a Party</i>	<i>Mean Difference</i>	<i>Level of Significance</i>
Freedom House Civil Rights ⁺	4.37 (124)	4.31 (124)	.06	<.44
Freedom House Political Rights ⁺	3.99 (124)	4.52 (124)	-.53	<.04

Personal Integrity Rights based on State Department Country Reports	2.27 (124)	2.29 (124)	-.02	<.46
Personal Integrity Rights based on Amnesty International Reports	2.45 (124)	2.44 (124)	.01	<.49

+Freedom House Civil Rights have been inverted so that higher scores equal higher levels of rights.

N (number of nation-years) is in parentheses.

Table 5.3: The Impact of the International Covenant on Civil and Political Rights on Personal Integrity Rights (1977-1996)

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>		
	<i>Coefficient *</i>	<i>z</i>	<i>p</i>	<i>Coefficient *</i>	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.66 (.01)	49.78	.0001	.66 (.01)	49.80	.0001
Party to the International Covenant on Civil and Political Rights	.06 (.02)	2.63	.004	.03 (.02)	1.39	.08
Civil War	.57 (.04)	13.79	.0001	.47 (.04)	11.15	.0001
International War	.17 (.05)	3.34	.0001	.20 (.05)	3.69	.0001
Democracy	-.07 (.01)	-9.86	.0001	-.06 (.01)	-8.74	.0001
Military Control	.08 (.03)	3.06	.001	.07 (.03)	2.51	.01
Leftist Regime	-.07 (.03)	-2.13	.02	-.15 (.03)	-4.22	.0001
British Colonial Experience	-.004 (.02)	-.15	.44	-.02 (.02)	-.89	.19
Economic Development	-.01 (.00)	-6.48	.0001	-.01 (.00)	-6.47	.0001
Population	.06 (.01)	9.64	.0001	.07 (.01)	10.57	.0001
Constant	.06 (.10)	.68	.25	.05 (.10)	-.45	.33
<i>N</i> = 2909	<i>R</i> ² = .77			<i>R</i> ² = .75		
	Log Likelihood = -1011.27			Log Likelihood = -1149.39		
	Chi ² = 9986.60 <i>p</i> > .00001			Chi ² = 8817.54 <i>p</i> > .00001		

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 5.4: The Impact of the International Covenant on Civil and Political Rights on Personal Integrity and Civil Rights (1977-94)

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>			<i>Freedom House Civil Rights⁺</i>		
	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.68 (.02)	45.38	.0001	.66 (.02)	43.57	.0001	.69 (.01)	53.44	.0001
Party to the International Covenant on Civil and Political Rights	.04 (.03)	1.71	.04	.03 (.03)	1.05	.15	.04 (.03)	1.73	.04
Civil War	.54 (.05)	11.54	.0001	.46 (.05)	9.46	.0001	-.21 (.05)	-4.83	.0001
International War	.16 (.06)	2.83	.002	.21 (.06)	3.67	.0001	-.20 (.05)	-3.73	.0001
Democracy	-.03 (.00)	-7.24	.0001	-.03 (.00)	-7.08	.0001	.11 (.01)	20.13	.0001
Military Control	.07 (.03)	2.25	.01	.06 (.03)	1.73	.04	.02 (.03)	.68	.25
Leftist Regime	-.03 (.04)	-.91	.18	-.13 (.04)	-3.28	.0001	-.27 (.04)	-6.95	.0001
British Colonial Experience	-.02 (.03)	-.68	.25	-.03 (.03)	-1.08	.14	-.06 (.03)	-2.17	.0001
Economic Development	-.01 (.00)	-6.44	.0001	-.02 (.00)	-6.69	.0001	.01 (.00)	5.11	.0001
Population	.06 (.01)	6.67	.0001	.07 (.01)	7.77	.0001	-.01 (.01)	-.71	.24
Constant	-.04 (.13)	-.28	.39	-.13 (.14)	-.94	.17	.90 (.13)	6.77	.0001
<i>N</i> =2187	<i>R</i> ² = .76 Log Likelihood= -751.89			<i>R</i> ² = .73 Log Likelihood= -880.19			<i>R</i> ² = .92 Log Likelihood= -731.96		

Chi² = 6990.03
 $p > .00001$

Chi² = 5927.56
 $p > .00001$

Chi² = 25428.70
 $p > .00001$

+Freedom House Civil Rights have been inverted so that higher scores equal higher levels of rights.

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 5.5: The Impact of the Optional Protocol to the International Covenant on Civil and Political Rights on Personal Integrity Rights (1977-1996)

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>		
	<i>Coefficient *</i>	<i>z</i>	<i>p</i>	<i>Coefficient *</i>	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.66 (.01)	50.20	.0001	.66 (.01)	49.85	.0001
Party to the Optional Protocol to the International Covenant on Civil and Political Rights	.05 (.03)	1.81	.04	-.01 (.03)	-.37	.35
Civil War	.57 (.04)	13.70	.0001	.47 (.04)	11.17	.0001
International War	.17 (.05)	3.35	.0001	.19 (.05)	3.62	.0001
Democracy	-.07 (.01)	-9.57	.0001	-.06 (.01)	-8.12	.0001
Military Control	.08 (.03)	2.77	.003	.07 (.03)	2.50	.01
Leftist Regime	-.07 (.03)	-2.02	.02	-.15 (.04)	-4.25	.0001
British Colonial Experience	-.01 (.02)	-.20	.42	-.03 (.02)	-1.29	.10
Economic Development	-.01 (.00)	-6.40	.0001	-.01 (.00)	-6.39	.0001
Population	.06 (.01)	10.09	.0001	.07 (.01)	10.82	.0001
Constant	.04 (.10)	.38	.35	.05 (.10)	-.52	.30
<i>N</i> = 2909	<i>R</i> ² = .77			<i>R</i> ² = .75		
	Log Likelihood = -1013.10			Log Likelihood = -1150.27		
	Chi ² = 9970.43 p > .00001			Chi ² = 8810.45 p > .00001		

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 5.6: The Impact of the Optional Protocol to International Covenant on Civil and Political Rights on Personal Integrity and Civil Rights (1977-94)

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>			<i>Freedom House Civil Rights⁺</i>		
	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.68 (.02)	45.56	.0001	.66 (.02)	43.47	.0001	.69 (.01)	53.53	.0001
Party to the Optional Protocol to the International Covenant on Civil and Political Rights	.03 (.03)	.83	.20	-.03 (.03)	-.93	.18	-.01 (.03)	-.48	.31
Civil War	.54 (.05)	11.48	.0001	.46 (.05)	9.50	.0001	-.21 (.04)	-4.76	.0001
International War	.16 (.06)	2.81	.002	.21 (.06)	3.59	.0001	-.21 (.05)	-3.79	.0001
Democracy	-.03 (.00)	-6.85	.0001	-.03 (.00)	-6.22	.0001	.11 (.01)	20.01	.0001
Military Control	.06 (.03)	2.05	.01	.06 (.03)	1.72	.04	.02 (.03)	.58	.26
Leftist Regime	-.03 (.04)	-.88	.19	-.13 (.04)	-3.37	.0001	-.27 (.04)	-6.96	.0001
British Colonial Experience	-.02 (.03)	-.80	.21	-.04 (.03)	-1.59	.06	-.07 (.03)	-2.67	.004
Economic Development	-.01 (.00)	-6.39	.0001	-.02 (.00)	-6.69	.0001	.01 (.00)	5.07	.0001
Population	.06 (.01)	6.77	.0001	.07 (.01)	7.64	.0001	-.01 (.01)	-.68	.25
Constant	-.04 (.13)	-.34	.37	-.09 (.14)	-.69	.25	.902 (.13)	6.82	.0001
<i>N</i> =2187	<i>R</i> ² = .76 Log Likelihood= -753.01			<i>R</i> ² = .73 Log Likelihood= -880.31			<i>R</i> ² = .92 Log Likelihood= -733.33		

Chi² = 6980.65
p > .00001

Chi² = 5926.68
p > .00001

Chi² = 25394.00
p > .00001

+Freedom House Civil Rights have been inverted so that higher scores equal higher levels of rights.

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 5.7: The Impact of the International Covenant on Civil and Political Rights on Personal Integrity Rights (1977-1996)(controlling for derogating states)

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>		
	<i>Coefficient *</i>	<i>z</i>	<i>p</i>	<i>Coefficient *</i>	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.65 (.01)	48.69	.0001	.65 (.01)	48.44	.0001
Party to International Covenant on Civil and Political Rights	.04 (.02)	1.81	.04	.01 (.02)	-.37	.29
Derogating State	.27 (.05)	4.96	.0001	.26 (.06)	4.65	.0001
Civil War	.54 (.04)	12.97	.0001	.44 (.04)	10.34	.0001
International War	.17 (.05)	3.48	.0001	.20 (.05)	3.82	.0001
Democracy	-.07 (.01)	-10.27	.0001	-.06 (.01)	-9.12	.0001
Military Control	.08 (.03)	3.13	.0031	.07 (.03)	2.62	.01
Leftist Regime	-.06 (.03)	-1.86	.03	-.14 (.04)	-4.05	.0001
British Colonial Experience	-.002 (.02)	-.07	.47	-.02 (.02)	-.83	.20
Economic Development	-.01 (.00)	-6.34	.0001	-.01 (.00)	-6.37	.0001
Population	.06 (.01)	19.87	.0001	.07 (.01)	10.86	.0001
Constant	.08 (.09)	.79	.21	.04 (.10)	-.40	.34
<i>N</i> = 2909	<i>R</i> ² = .78			<i>R</i> ² = .75		
	Log Likelihood = -999.03			Log Likelihood = -1138.64		
	Chi ² = 10095.64 p > .00001			Chi ² = 8904.55 p > .00001		

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

TABLE 5.8: THE IMPACT OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS ON PERSONAL INTEGRITY AND CIVIL RIGHTS (1977-94) (CONTROLLING FOR DEROGATING STATES)

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>			<i>Freedom House Civil Rights⁺</i>		
	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.67 (.02)	44.31	.0001	.65 (.02)	42.23	.0001	.69 (.01)	53.56	.0001
Party the International Covenant on Civil and Political Rights	.02 (.03)	.90	.18	.01 (.03)	.22	.41	.06 (.03)	2.21	.01
Derogating State	.24 (.06)	4.10	.0001	.26 (.06)	4.04	.0001	-.15 (.06)	-2.62	.01
Civil War	.51 (.05)	10.75	.0001	.43 (.05)	8.68	.0001	-.21 (.04)	-4.04	.0001
International War	.16 (.05)	2.94	.002	.22 (.06)	3.79	.0001	-.20 (.05)	-3.74	.0001
Democracy	-.03 (.00)	-7.50	.0001	-.03 (.00)	-7.34	.0001	.11 (.01)	20.15	.0001
Military Control	.07 (.03)	2.32	.01	.06 (.03)	1.82	.03	.02 (.03)	.67	.25
Leftist Regime	-.02 (.04)	-.49	.31	-.12 (.04)	-2.95	.002	-.27 (.04)	-7.16	.0001
British Colonial Experience	-.02 (.03)	-.57	.28	-.03 (.03)	-1.01	.16	-.06 (.03)	-2.26	.01
Economic Development	-.01 (.00)	-6.31	.0001	-.02 (.00)	-6.59	.0001	.01 (.00)	4.86	.0001
Population	.06 (.01)	6.83	.0001	.07 (.01)	7.99	.0001	-.01 (.01)	-.68	.25
Constant	-.03 (.13)	-.25	.40	-.13 (.14)	-.94	.17	.89 (.13)	6.75	.0001
<i>N</i> =2187	<i>R</i> ² = .76			<i>R</i> ² = .73			<i>R</i> ² = .92		

Log Likelihood=	Log Likelihood=	Log Likelihood=
-743.51	-872.05	-728.53
Chi ² = 7060.59	Chi ² = 5988.18	Chi ² = 25515.28
<i>p</i> > .00001	<i>p</i> > .00001	<i>p</i> > .00001

+Freedom House Civil Rights have been inverted so that higher scores equal higher levels of rights.

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 5.9: The Impact of the Optional Protocol to the International Covenant on Civil and Political Rights on Personal Integrity Rights (1977-1996)(controlling for derogating states within the ICCPR variable)

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>		
	<i>Coefficient *</i>	<i>z</i>	<i>p</i>	<i>Coefficient *</i>	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.66 (.01)	50.32	.0001	.66 (.01)	49.83	.0001
Party to the International Covenant on Civil and Political Rights	.01 (.02)	.34	.37	-.02 (.03)	-.25	.33
Civil War	.57 (.04)	13.73	.0001	.47 (.04)	11.13	.0001
International War	.16 (.05)	3.24	.0001	.19 (.05)	3.63	.0001
Democracy	-.06 (.01)	-9.39	.0001	-.06 (.01)	-8.42	.0001
Military Control	.08 (.03)	2.98	.002	.07 (.03)	2.49	.01
Leftist Regime	-.07 (.03)	-2.16	.02	-.15 (.04)	-4.23	.0001
British Colonial Experience	-.01 (.02)	-.68	.25	-.03 (.02)	-1.35	.09
Economic Development	-.01 (.00)	-6.31	.0001	-.01 (.00)	-6.36	.0001
Population	.06 (.01)	9.87	.0001	.07 (.01)	10.82	.0001
Constant	.05 (.10)	.52	.30	.06 (.10)	-.58	.28
<i>N</i> = 2909	<i>R</i> ² = .77			<i>R</i> ² = .75		
	Log Likelihood = -1014.68			Log Likelihood = -1150.27		
	Chi ² = 9956.46 p > .00001			Chi ² = 8810.45 p > .00001		

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 5.10: The Impact of the Optional Protocol to International Covenant on Civil and Political Rights on Personal Integrity and Civil Rights (1977-94) (controlling for derogating states within the ICCPR variable)

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>			<i>Freedom House Civil Rights⁺</i>		
	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.68 (.02)	45.56	.0001	.66 (.02)	43.43	.0001	.69 (.01)	53.53	.0001
Party to the International Covenant on Civil and Political Rights	-.01 (.03)	-.23	.41	-.03 (.03)	-.79	.21	.07 (.03)	2.70	.31
Civil War	.54 (.05)	11.44	.0001	.46 (.05)	9.38	.0001	-.20 (.04)	-4.53	.0001
International War	.15 (.06)	2.76	.003	.21 (.06)	3.63	.0001	-.20 (.05)	-3.73	.0001
Democracy	-.03 (.00)	-6.89	.0001	-.03 (.00)	-6.79	.0001	.11 (.01)	20.09	.0001
Military Control	.06 (.03)	2.10	.02	.06 (.03)	1.60	.06	.02 (.03)	.73	.26
Leftist Regime	-.03 (.04)	-.95	.17	-.13 (.04)	-3.29	.0001	-.27 (.04)	7.06	.0001
British Colonial Experience	-.03 (.03)	-1.13	.13	-.04 (.03)	-1.51	.06	-.05 (.03)	-2.06	.004
Economic Development	-.01 (.00)	-6.38	.0001	-.02 (.00)	-6.65	.0001	.01 (.00)	5.01	.0001
Population	.06 (.01)	6.72	.0001	.07 (.01)	7.85	.0001	-.01 (.01)	-.73	.25
Constant	-.02 (.13)	-.17	.43	-.09 (.14)	-.84	.20	.89 (.13)	6.74	.0001
<i>N</i> =2187	<i>R</i> ² = .76 Log Likelihood=-753.33			<i>R</i> ² = .73 Log Likelihood=-880.42			<i>R</i> ² = .92 Log Likelihood=-729.80		

Chi² = 6977.97
 $p > .00001$

Chi² = 5925.84
 $p > .00001$

Chi² = 25483.16
 $p > .00001$

+Freedom House Civil Rights have been inverted so that higher scores equal higher levels of rights.

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 5.11 The Impact of the Optional Protocol to the International Covenant on Civil and Political Rights on Personal Integrity Rights (1977-1991)

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>		
	<i>Coefficient *</i>	<i>z</i>	<i>p</i>	<i>Coefficient *</i>	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.62 (.02)	38.15	.0001	.66 (.02)	41.97	.0001
Party to the International Covenant on Civil and Political Rights	.04 (.03)	1.33	.09	.02 (.03)	.75	.23
Civil War	.62 (.05)	12.64	.0001	.47 (.05)	9.50	.0001
International War	.22 (.05)	4.10	.0001	.24 (.06)	4.26	.0001
Democracy	-.07 (.01)	-8.62	.0001	-.06 (.01)	-7.42	.0001
Military Control	.10 (.03)	3.12	.001	.07 (.03)	2.05	.02
Leftist Regime	-.03 (.04)	-.85	.20	-.14 (.04)	-3.73	.0001
British Colonial Experience	-.01 (.03)	.50	.31	-.04 (.03)	-1.45	.07
Economic Development	-.01 (.00)	-4.72	.0001	-.01 (.00)	-5.10	.0001
Population	.06 (.01)	8.01	.0001	.07 (.01)	8.49	.0001
Constant	.15 (.11)	1.38	.08	.06 (.11)	.54	.27
<i>N</i> = 2089	<i>R</i> ² = .75			<i>R</i> ² = .74		
	Log Likelihood = -720.47			Log Likelihood = -779.28		
	Chi ² = 6278.25 p > .00001			Chi ² = 6088.31 p > .00001		

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 5.12 The Impact of the Optional Protocol to the International Covenant on Civil and Political Rights on Personal Integrity Rights (1992-1996)

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>		
	<i>Coefficient *</i>	<i>z</i>	<i>p</i>	<i>Coefficient *</i>	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.69 (.02)	28.18	.0001	.65 (.03)	25.47	.0001
Party to the International Covenant on Civil and Political Rights	.08 (.05)	1.68	.05	.07 (.05)	1.32	.09
Civil War	.49 (.08)	6.27	.0001	.51 (.085)	6.11	.0001
International War	-.07 (.18)	-.41	.34	-.25 (.20)	-1.23	.11
Democracy	-.06 (.01)	-4.82	.0001	-.06 (.01)	-4.41	.0001
Military Control	.09 (.06)	1.52	.06	.09 (.06)	1.34	.09
Leftist Regime	-.18 (.09)	-2.06	.02	-.22 (.10)	-2.23	.0001
British Colonial Experience	.03 (.04)	.67	.25	.03 (.05)	.69	.24
Economic Development	-.01 (.00)	-4.81	.0001	-.01 (.00)	-4.28	.0001
Population	.07 (.01)	5.80	.0001	.09 (.01)	6.39	.0001
Constant	.16 (.19)	-.83	.20	-.32 (.21)	-1.54	.06
<i>N</i> = 820	<i>R</i> ² = .82			<i>R</i> ² = .77		
	Log Likelihood = -288.36			Log Likelihood = -371.10		
	Chi ² = 3767.36 <i>p</i> > .00001			Chi ² = 2736.64 <i>p</i> > .00001		

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 5.13: The Impact of the Optional Protocol to International Covenant on Civil and Political Rights on Personal Integrity and Civil Rights (1977-91)

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>			<i>Freedom House Civil Rights⁺</i>		
	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.64 (.02)	37.73	.0001	.66 (.02)	38.96	.0001	.69 (.01)	49.36	.0001
Party to the International Covenant on Civil and Political Rights	.02 (.03)	.78	.21	.01 (.03)	.41	.34	.06 (.03)	2.07	.02
Civil War	.57 (.05)	11.27	.0001	.45 (.05)	8.64	.0001	-.23 (.05)	-4.93	.0001
International War	.20 (.06)	3.51	.0001	.25 (.06)	4.25	.0001	-.21 (.05)	-3.96	.0001
Democracy	-.03 (.00)	-6.88	.0001	-.03 (.00)	6.39	.0001	.11 (.01)	18.73	.0001
Military Control	.08 (.03)	2.49	.01	.03 (.03)	.93	.18	-.00 (.03)	-.11	.45
Leftist Regime	.01 (.04)	.10	.44	-.12 (.04)	-3.12	.0001	-.28 (.04)	-7.06	.0001
British Colonial Experience	-.02 (.03)	-.53	.17	-.05 (.03)	-1.62	.05	-.06 (.03)	-2.17	.02
Economic Development	-.01 (.00)	-5.31	.0001	-.02 (.00)	-5.93	.0001	.01 (.00)	4.38	.0001
Population	.06 (.01)	6.06	.0001	.06 (.01)	6.38	.0001	.01 (.01)	.85	.20
Constant	.02 (.14)	.12	.45	.02 (.15)	.14	.44	.72 (.14)	5.18	.0001
<i>N</i> =1796	<i>R</i> ² = .75 Log Likelihood= -604.41			<i>R</i> ² = .73 Log Likelihood= -683.06			<i>R</i> ² = .92 Log Likelihood= -540.51		

Chi² = 5395.39
 $p > .00001$

Chi² = 4839.88
 $p > .00001$

Chi² = 22983.10
 $p > .00001$

+Freedom House Civil Rights have been inverted so that higher scores equal higher levels of rights.

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 5.14: The Impact of the Optional Protocol to International Covenant on Civil and Political Rights on Personal Integrity and Civil Rights (1992-94)

	<i>State Department</i>			<i>Amnesty International</i>			<i>Freedom House Civil Rights⁺</i>		
<i>Variable</i>	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.71 (.03)	21.21	.0001	.64 (.04)	17.37	.0001	.61 (.03)	18.17	.0001
Party to the International Covenant on Civil and Political Rights	.08 (.07)	1.20	.12	.08 (.08)	1.02	.15	.12 (.08)	1.54	.06
Civil War	.47 (.11)	4.16	.0001	.50 (.13)	3.79	.0001	-.14 (.11)	-1.23	.0001
International War	.01 (.23)	.06	.47	-.23 (.27)	-.85	.20	-.42 (.24)	-1.71	.04
Democracy	-.04 (.01)	4.09	.0001	-.03 (.01)	-3.13	.001	.12 (.01)	9.51	.0001
Military Control	.08 (.08)	.93	.18	.21 (.10)	2.21	.01	.12 (.09)	1.29	.10
Leftist Regime	-.07 (.13)	-.53	.30	-.14 (.15)	-.92	.18	-.40 (.14)	-2.85	.002
British Colonial Experience	-.03 (.06)	-.53	.30	.04 (.07)	.53	.30	-.06 (.07)	-.85	.17
Economic Development	-.01 (.00)	-4.25	.0001	-.02 (.00)	-3.58	.0001	.02 (.00)	4.08	.0001
Population	.07 (.02)	3.33	.0001	.11 (.01)	4.61	.0001	-.07 (.02)	-3.42	.0001
Constant	-.09 (.31)	-.30	.38	-.69 (.36)	-1.93	.03	1.97 (.36)	5.43	.0001
<i>N</i> =391	<i>R</i> ² = .82 Log Likelihood= -133.72 Chi ² = 1734.05 <i>p</i> > .00001			<i>R</i> ² = .74 Log Likelihood= -192.89 Chi ² = 1136.04 <i>p</i> > .00001			<i>R</i> ² = .90 Log Likelihood= -166.29 Chi ² = 3274.48 <i>p</i> > .00001		

+Freedom House Civil Rights have been inverted so that higher scores equal higher levels of rights.

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 6.1: Integrated Model of The Impact of Constitutional Provisions and the International Covenant on Civil and Political Rights (1977-1996)

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>		
	<i>Coefficient *</i>	<i>z</i>	<i>p</i>	<i>Coefficient *</i>	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.63 (.01)	46.12	.0001	.62 (.01)	45.07	.0001
Four Freedoms Index	-.01 (.01)	-1.56	.06	-.01 (.01)	-.87	.19
Freedom of Press	.04 (.02)	1.71	.04	.07 (.02)	2.83	.002
Right to Strike	-.02 (.03)	-.80	.21	.02 (.03)	.76	.22
Habeas Corpus	.04 (.02)	1.98	.02	.04 (.02)	2.08	.02
Public Trial	-.03 (.02)	-1.42	.08	-.05 (.02)	-2.53	.01
Fair Trial	-.07 (.02)	-2.90	.002	-.11 (.02)	-4.58	.0001
Torture	.04 (.02)	2.51	.01	.03 (.02)	1.96	.02
Guaranteed Terms	.003 (.04)	.10	.46	-.01 (.04)	-.20	.42
Decisions Final	-.03 (.03)	-1.05	.15	-.08 (.03)	-2.41	.01
Exclusive Authority	-.05 (.03)	-1.64	.05	-.02 (.03)	-.62	.27
No Exceptional Courts	-.03 (.02)	-1.18	.12	-.06 (.03)	-2.54	.01
Fiscal Autonomy	.06 (.03)	2.14	.02	.10 (.03)	3.15	.001
Separation of Powers	.03 (.03)	.73	.23	.02 (.04)	.65	.26
Enumerated Qualifications	.05 (.03)	1.76	.04	.06 (.03)	2.19	.02
Judicial Review	.03 (.03)	1.00	.16	.07 (.03)	2.70	.003
Hierarchical System	.01 (.03)	.24	.40	.001 (.03)	.03	.49
Legislative Declaration	-.01 (.01)	-1.05	.15	-.03 (.01)	-1.95	.02
Limited Duration	.03 (.02)	2.08	.04	.03 (.02)	1.81	.06
Cannot Dissolve Legislature	-.04 (.02)	-1.86	.03	-.03 (.02)	-1.24	.10
Non-Derogable Rights	.11 (.04)	2.87	.004	.07 (.04)	1.73	.08
Party to the International Covenant on Civil and Political Rights	.08 (.02)	3.17	.001	.04 (.02)	1.63	.05
Civil War	.57 (.04)	13.50	.0001	.45 (.04)	10.53	.0001
International War	.19 (.05)	3.70	.0001	.23 (.05)	4.21	.0001
Democracy	-.08 (.01)	-10.53	.0001	-.08 (.01)	-9.97	.0001
Military Control	.07 (.03)	2.32	.01	.04 (.03)	1.45	.07
Leftist Regime	-.03 (.04)	-.88	.19	-.09 (.04)	-2.26	.01

British Colonial	.00 (.03)	.15	.44	.03 (.03)	1.10	.13
Experience						
Economic	-.01 (.00)	-4.87	.0001	-.01 (.00)	-5.13	.0001
Development						
Population	.06 (.01)	8.84	.0001	.07 (.01)	9.46	.0001
Constant	.14 (.10)	1.39	.08	.08 (.11)	.77	.22
<i>N</i> = 2909	$R^2 = .78$			$R^2 = .76$		
	Log Likelihood = -982.34			Log Likelihood = -1106.11		
	Chi ² = 10245.69 <i>p</i> > .00001			Chi ² = 9171.77 <i>p</i> > .00001		

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 6.2: Integrated Model The Impact of Constitutional Provisions and the International Covenant on Civil and Political Rights (1977-1994)

	<i>State Department</i>			<i>Amnesty International</i>			<i>Freedom House Civil Rights⁺</i>		
<i>Variable</i>	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.65 (.02)	41.69	.0001	.62 (.02)	38.63	.0001	.66 (.01)	49.21	.0001
Four Freedoms Index	-.01 (.01)	-1.55	.06	-.01 (.01)	-.61	.27	.01 (.01)	.80	.21
Freedom of Press	.04 (.03)	1.44	.08	.10 (.03)	3.23	.0001	.05 (.03)	1.85	.03
Right to Strike	-.04 (.03)	-1.05	.15	.01 (.04)	.20	.42	-.02 (.03)	-.69	.25
Habeas Corpus	.04 (.02)	1.97	.02	.06 (.02)	2.34	.01	.03 (.02)	1.34	.09
Public Trial	-.06 (.02)	-2.32	.01	-.09 (.03)	-3.44	.0001	.08 (.02)	3.41	.0001
Fair Trial	-.07 (.03)	-2.28	.01	-.13 (.03)	-3.98	.0001	-.04 (.03)	-1.33	.09
Torture	.04 (.02)	2.01	.02	.04 (.02)	1.87	.03	-.02 (.02)	-1.27	.10
Guaranteed Terms	.01 (.04)	.13	.45	-.06 (.05)	-1.37	.08	.08 (.04)	1.95	.03
Decisions Final	-.02 (.04)	-.69	.25	-.06 (.04)	-1.49	.07	.07 (.04)	2.14	.02
Exclusive Authority	-.05 (.03)	-1.43	.08	-.02 (.04)	-.69	.25	.04 (.03)	1.07	.14
No Exceptional Courts	-.03 (.03)	-1.10	.14	-.08 (.04)	-2.75	.003	.03 (.03)	1.18	.12
Fiscal Autonomy	.05 (.03)	1.34	.09	.09 (.04)	2.32	.01	-.02 (.03)	-.46	.32
Separation of Powers	.05 (.04)	1.29	.10	.06 (.04)	1.47	.07	-.08 (.04)	-1.96	.02
Enumerated Qualifications	.03 (.03)	.83	.20	.08 (.04)	2.25	.01	.04 (.03)	1.36	.09
Judicial Review	-.01 (.03)	-.45	.32	.05 (.03)	1.48	.07	-.01 (.03)	-.24	.41
Hierarchical System	.02 (.03)	.56	.29	.01 (.04)	.16	.44	-.02 (.03)	-.52	.30

Legislative Declaration	-.01 (.01)	-.61	.27	-.02 (.02)	-1.19	.12	-.02 (.01)	-1.66	.05
Limited Duration	.05 (.02)	2.61	.02	.04 (.02)	1.91	.06	-.02 (.02)	-.99	.32
Cannot Dissolve Legislature	-.04 (.02)	-1.68	.05	-.01 (.03)	-.54	.29	.04 (.02)	1.67	.05
Non-Derogable Rights	.15 (.05)	2.97	.004	.04 (.05)	.81	.42	-.04 (.05)	-.87	.38
Party to the International Covenant on Civil and Political Rights	.07 (.03)	2.64	.004	.06 (.03)	1.93	.03	.02 (.03)	.79	.22
Civil War	.55 (.05)	11.30	.0001	.43 (.05)	8.58	.0001	-.20 (.04)	-4.54	.0001
International War	.17 (.06)	3.04	.001	.24 (.06)	4.07	.0001	-.18 (.05)	-3.36	.0001
Democracy	-.04 (.00)	-8.14	.0001	-.04 (.00)	-8.33	.0001	.11 (.01)	19.28	.0001
Military Control	.06 (.03)	1.75	.04	.03 (.03)	.82	.21	.03 (.03)	.94	.17
Leftist Regime	-.01 (.04)	-.16	.43	-.07 (.04)	-1.51	.06	-.26 (.04)	-6.16	.0001
British Colonial Experience	-.03 (.03)	-.77	.22	.02 (.04)	.67	.25	-.03 (.03)	-.75	.27
Economic Development	-.01 (.00)	-4.57	.0001	-.01 (.00)	-5.02	.0001	.01 (.00)	4.68	.0001
Population	.06 (.01)	6.68	.0001	.08 (.01)	7.99	.0001	-.01 (.01)	-1.76	.03
Constant	-.06 (.13)	-.43	.34	-.20 (.14)	-1.41	.08	1.02 (.14)	7.36	.0001
<i>N</i> =2187	R^2 = .77			R^2 = .74			R^2 = .92		
	Log Likelihood= -728.72			Log Likelihood= -843.99			Log Likelihood= -704.00		
	χ^2 =7186.57			χ^2 =6200.72			χ^2 =26143.89		
	$p > .00001$			$p > .00001$			$p > .00001$		

+Freedom House Civil Rights have been inverted so that higher scores equal higher levels of rights.

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 6.3: Integrated Model The Impact of Constitutional Provisions and the International Covenant on Civil and Political Rights (1977-1991)

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>		
	<i>Coefficient *</i>	<i>z</i>	<i>p</i>	<i>Coefficient *</i>	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.59 (.02)	34.46	.0001	.61 (.02)	37.50	.0001
Four Freedoms Index	-.02 (.01)	-1.92	.03	-.01 (.01)	-.65	.26
Freedom of Press	.06 (.02)	1.90	.03	.10 (.02)	3.47	.0001
Right to Strike	-.02 (.04)	-.56	.29	.03 (.04)	.66	.26
Habeas Corpus	.04 (.02)	1.78	.04	.05 (.02)	2.03	.02
Public Trial	-.01 (.02)	-.46	.32	-.06 (.03)	-2.22	.03
Fair Trial	-.05 (.02)	-1.75	.04	-.12 (.03)	-3.71	.0001
Torture	.03 (.02)	1.58	.07	.02 (.02)	1.02	.15
Guaranteed Terms	.01 (.04)	.20	.42	-.02 (.04)	-.47	.32
Decisions Final	-.07 (.04)	-1.76	.04	-.08 (.04)	-1.93	.03
Exclusive Authority	-.01 (.04)	-.39	.35	-.002 (.04)	-.07	.47
No Exceptional Courts	-.02 (.03)	-.60	.27	-.05 (.03)	-1.76	.04
Fiscal Autonomy	.11 (.04)	2.90	.002	.11 (.04)	2.80	.003
Separation of Powers	.05 (.04)	1.33	.09	.06 (.04)	1.47	.07
Enumerated Qualifications	.12 (.03)	3.40	.0001	.12 (.04)	3.51	.0001
Judicial Review	.01 (.03)	.40	.35	.07 (.03)	2.20	.01
Hierarchical System	-.05 (.03)	-1.56	.06	-.04 (.04)	-1.18	.12
Legislative Declaration	.01 (.02)	.38	.35	-.02 (.02)	-1.08	.14
Limited Duration	.04 (.02)	1.95	.04	.02 (.02)	1.11	.26
Cannot Dissolve Legislature	-.01 (.03)	-.54	.29	.01 (.03)	.35	.36
Non-Derogable Rights	.14 (.05)	2.62	.02	.07 (.05)	1.29	.20
Party to the International Covenant on Civil and Political Rights	.05 (.03)	1.85	.03	.03 (.03)	1.11	.13
Civil War	.61 (.05)	12.17	.0001	.43 (.05)	8.65	.0001
International War	.25 (.05)	4.57	.0001	.26 (.06)	4.79	.0001
Democracy	-.09 (.01)	-9.62	.0001	-.09 (.01)	-8.88	.0001
Military Control	.09 (.03)	2.73	.003	.03 (.03)	.98	.16
Leftist Regime	.04 (.04)	.97	.17	-.07 (.04)	-1.51	.07

British Colonial Experience	-.01 (.03)	-.42	.34	.02 (.03)	.69	.24
Economic Development	-.01 (.00)	-3.32	.0001	-.01 (.00)	-4.23	.0001
Population	.06 (.01)	7.31	.0001	.06 (.01)	7.25	.0001
Constant	.25 (.12)	2.09	.02	.24 (.12)	1.99	.02
<i>N</i> = 2089	$R^2 = .76$			$R^2 = .75$		
	Log Likelihood = -690.48			Log Likelihood = -737.28		
	Chi ² = 6521.99 p > .00001			Chi ² = 6423.84 p > .00001		

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 6.4: Integrated Model The Impact of Constitutional Provisions and the International Covenant on Civil and Political Rights (1992-96)

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>		
	<i>Coefficient *</i>	<i>z</i>	<i>p</i>	<i>Coefficient *</i>	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.65 (.03)	25.71	.0001	.61 (.03)	22.59	.0001
Four Freedoms Index	.0001 (.02)	.02	.49	-.01 (.02)	-.40	.35
Freedom of Press	-.01 (.04)	-.27	.39	-.002 (.05)	-.04	.48
Right to Strike	-.05 (.05)	-1.07	.14	.02 (.05)	.45	.38
Habeas Corpus	.03 (.03)	.82	.21	.01 (.04)	.24	.41
Public Trial	-.06 (.04)	-1.73	.04	-.05 (.04)	-1.36	.09
Fair Trial	-.07 (.04)	-1.81	.03	-.08 (.04)	-1.90	.03
Torture	.05 (.03)	1.72	.04	.07 (.03)	2.16	.02
Guaranteed Terms	-.002 (.07)	-.03	.48	.02 (.07)	.24	.41
Decisions Final	-.02 (.05)	-.45	.33	-.09 (.06)	-1.60	.05
Exclusive Authority	-.12 (.06)	-2.04	.02	-.04 (.06)	.64	.26
No Exceptional Courts	-.05 (.04)	-1.08	.14	-.08 (.05)	-1.59	.06
Fiscal Autonomy	-.01 (.04)	-.18	.43	.06 (.06)	.95	.17
Separation of Powers	-.06 (.07)	-.83	.20	-.08 (.08)	-1.09	.14
Enumerated Qualifications	-.04 (.05)	-.79	.22	-.05 (.06)	-.81	.21
Judicial Review	.11 (.05)	2.29	.01	.15 (.06)	2.77	.01
Hierarchical System	.11 (.05)	2.10	.02	.10 (.06)	1.61	.05
Legislative Declaration	-.04 (.02)	-1.96	.03	-.03 (.02)	-1.36	.08
Limited Duration	.004 (.02)	.16	.88	.02 (.03)	.85	.40
Cannot Dissolve Legislature	-.08 (.03)	-2.67	.004	-.07 (.03)	1.94	.03
Non-Derogable Rights	.10 (.06)	1.73	.08	.08 (.06)	1.31	.18
Party to the International Covenant on Civil and Political Rights	.06 (.05)	1.31	.09	.05 (.05)	.91	.18
Civil War	.58 (.08)	7.22	.0001	.57 (.09)	6.12	.0001
International War	-.10 (.18)	-.57	.28	.24 (.20)	-1.20	.12
Democracy	-.06 (.01)	-4.17	.0001	-.06 (.02)	-4.21	.0001
Military Control	.08 (.06)	1.26	.11	.07 (.07)	1.03	.15
Leftist Regime	-.16 (.10)	-1.61	.05	-.15 (.11)	-1.43	.08

British Colonial	.03 (.06)	.49	.31	.08 (.06)	1.27	.10
Experience						
Economic	-.01 (.00)	-4.66	.0001	-.01 (.00)	-.371	.0001
Development						
Population	.08 (.01)	6.12	.0001	.10 (.01)	6.77	.0001
Constant	-.14 (.20)	-.69	.25	-.38 (.22)	-1.75	.04
<i>N</i> = 820	$R^2 = .83$			$R^2 = .78$		
	Log Likelihood = -268.07			Log Likelihood = -354.18		
	Chi ² = 4000.11 <i>p</i> > .00001			Chi ² = 2886.47 <i>p</i> > .00001		

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 6.5: Integrated Model The Impact of Constitutional Provisions and the International Covenant on Civil and Political Rights (1977-1991)

	State Department			Amnesty International			Freedom House Civil Rights ⁺		
Variable	Coef *	z	p	Coef *	z	P	Coef *	z	p
Lagged Dependent Variable	.62 (.02)	34.17	.0001	.62 (.02)	34.99	.0001	.66 (.01)	44.48	.0001
Four Freedoms Index	-.02 (.01)	-1.65	.05	-.01 (.01)	-.45	.33	.002 (.01)	.21	.42
Freedom of Press	.04 (.03)	1.38	.08	.10 (.03)	2.99	.002	.05 (.03)	1.67	.05
Right to Strike	-.03 (.04)	-.66	.25	.01 (.04)	.21	.42	-.02 (.04)	-.46	.32
Habeas Corpus	.04 (.03)	1.71	.04	.05 (.03)	1.77	.04	.04 (.02)	1.75	.04
Public Trial	-.04 (.03)	-1.30	.10	-.07 (.03)	-2.55	.01	.08 (.03)	2.85	.002
Fair Trial	-.05 (.03)	-1.55	.06	-.12 (.04)	-3.29	.0001	-.08 (.03)	-2.30	.01
Torture	.03 (.02)	1.36	.09	.03 (.02)	1.24	.11	-.01 (.02)	-.41	.34
Guaranteed Terms	-.002 (.05)	-.04	.48	-.06 (.05)	-1.17	.12	.09 (.05)	2.01	.02
Decisions Final	-.06 (.04)	-1.39	.08	-.06 (.04)	-1.38	.08	.10 (.04)	2.45	.01
Exclusive Authority	-.04 (.04)	-1.02	.08	-.01 (.04)	-.21	.42	.05 (.04)	1.35	.09
No Exceptional Courts	-.03 (.03)	-.82	.21	-.07 (.03)	-2.17	.02	.02 (.03)	.77	.22
Fiscal Autonomy	.09 (.04)	2.19	.02	.10 (.04)	2.36	.01	-.02 (.04)	-.56	.24
Separation of Powers	.08 (.05)	1.87	.03	.08 (.05)	1.77	.04	-.13 (.04)	-2.92	.002
Enumerated Qualifications	.07 (.04)	1.79	.04	.10 (.04)	2.67	.004	.03 (.04)	.96	.17
Judicial Review	-.02 (.03)	-.57	.28	.05 (.04)	1.46	.07	.01 (.03)	.32	.38

Hierarchical System	-.02 (.04)	-.39	.35	-.02 (.04)	-.50	.31	-.02 (.04)	-.50	.31
Legislative Declaration	.004 (.02)	.23	.41	-.01 (.02)	-.85	.20	-.03 (.02)	-2.02	.02
Limited Duration	.05 (.02)	2.40	.02	.02 (.02)	1.12	.26	.01 (.02)	.40	.70
Cannot Dissolve Legislature	-.03 (.03)	-1.05	.15	-.01 (.03)	-.22	.41	.01 (.03)	.50	.21
Non-Derogable Rights	.09 (.06)	1.52	.14	.01 (.06)	.10	.92	-.02 (.06)	-.33	.74
Party to the International Covenant on Civil and Political Rights	.05 (.03)	1.55	.06	.03 (.03)	1.10	.14	.03 (.03)	1.09	.14
Civil War	.58 (.05)	10.99	.0001	.42 (.05)	7.86	.0001	-.22 (.05)	-4.64	.0001
International War	.22 (.06)	3.86	.001	.28 (.06)	4.62	.0001	-.21 (.05)	-3.88	.0001
Democracy	-.04 (.01)	-7.70	.0001	-.04 (.01)	-7.47	.0001	.11 (.01)	18.00	.0001
Military Control	.08 (.03)	2.27	.01	.004 (.04)	.11	.46	-.02 (.03)	-.58	.28
Leftist Regime	.06 (.04)	1.24	.11	-.05 (.05)	-1.16	.12	-.27 (.04)	-6.17	.0001
British Colonial Experience	-.04 (.04)	-1.00	.16	-.0001 (.04)	-.002	.50	-.02 (.04)	-.44	.33
Economic Development	-.01 (.00)	-3.61	.0001	-.02 (.00)	-4.66	.0001	.01 (.00)	4.53	.0001
Population	.06 (.01)	5.83	.0001	.07 (.01)	6.29	.0001	.002 (.01)	.24	.40
Constant	.03 (.15)	-.18	.43	-.004 (.15)	-.02	.49	.80 (.15)	5.48	.0001
N=1796	R ² = .76 Log Likelihood= -584.61 Chi ² = 5555.81 p > .00001			R ² = .74 Log Likelihood= -652.29 Chi ² = 5071.24 p > .00001			R ² = .93 Log Likelihood= -514.17 Chi ² = 23720.56 p > .00001		

+Freedom House Civil Rights have been inverted so that higher scores equal higher levels of rights.

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Table 6.6: Integrated Model The Impact of Constitutional Provisions and the International Covenant on Civil and Political Rights (1992-1994)

<i>Variable</i>	<i>State Department</i>			<i>Amnesty International</i>			<i>Freedom House Civil Rights⁺</i>		
	<i>Coef</i> *	<i>z</i>	<i>p</i>	<i>Coef</i> *	<i>z</i>	<i>P</i>	<i>Coef</i> *	<i>z</i>	<i>p</i>
Lagged Dependent Variable	.66 (.04)	18.84	.0001	.56 (.04)	13.77	.0001	.58 (.03)	17.36	.0001
Four Freedoms Index	.003 (.02)	.15	.44	-.01 (.03)	-.26	.40	.05 (.03)	1.92	.03
Freedom of Press	-.01 (.06)	-.18	.42	.10 (.07)	1.29	.10	.03 (.07)	.44	.33
Right to Strike	-.07 (.07)	-.95	.17	.02 (.08)	.20	.42	-.13 (.08)	-1.65	.05
Habeas Corpus	.04 (.05)	.95	.17	.05 (.05)	.97	.17	-.01 (.05)	-.28	.38
Public Trial	-.10 (.05)	-2.09	.02	-.13 (.06)	-2.09	.02	.09 (.06)	1.58	.06
Fair Trial	-.12 (.06)	-2.01	.02	-.16 (.07)	-2.29	.01	.05 (.06)	.74	.23
Torture	.06 (.04)	1.35	.09	.08 (.05)	1.69	.05	-.05 (.04)	-1.10	.14
Guaranteed Terms	.06 (.10)	.48	.32	-.09 (.12)	-.74	.23	-.02 (.10)	-.18	.43
Decisions Final	.04 (.08)	.53	.30	-.08 (.09)	-.86	.20	.07 (.08)	.86	.20
Exclusive Authority	-.15 (.08)	-1.81	.03	-.11 (.10)	-1.16	.12	.08 (.09)	.87	.20
No Exceptional Courts	-.05 (.06)	-.81	.21	-.10 (.07)	-1.46	.07	.06 (.06)	.98	.16
Fiscal Autonomy	-.09 (.07)	-1.20	.12	-.01 (.09)	-.06	.48	.001 (.08)	.01	.49
Separation of Powers	-.05 (.10)	-.54	.29	-.02 (.12)	-.15	.44	.03 (.11)	.29	.39
Enumerated Qualifications	-.07 (.07)	-.91	.18	.01 (.09)	.06	.48	.14 (.08)	1.80	.03
Judicial Review	.01 (.08)	.10	.46	.11 (.09)	1.22	.11	-.00 (.09)	-2.31	.01
Hierarchical System	.11 (.08)	1.40	.08	.08 (.09)	.89	.19	.04 (.08)	.52	.30

Legislative Declaration	-.06 (.03)	-1.72	.04	-.04 (.04)	-.92	.18	.04 (.04)	1.05	.15
Limited Duration	.04 (.04)	1.06	.28	.08 (.04)	1.74	.08	-.06 (.04)	-1.58	.12
Cannot Dissolve Legislature	-.12 (.05)	-2.51	.01	-.04 (.06)	-.71	.24	.12 (.05)	2.29	.01
Non-Derogable Rights	.29 (.08)	3.24	.001	.16 (.10)	1.57	.12	-.03 (.10)	-.37	.72
Party to the International Covenant on Civil and Political Rights	.11 (.08)	1.53	.06	.12 (.08)	1.39	.08	.13 (.08)	1.74	.04
Civil War	.59 (.11)	5.18	.0001	.54 (.13)	3.99	.0001	-.16 (.12)	-1.38	.08
International War	-.04 (.22)	-.16	.44	-.24 (.26)	-.91	.18	-.26 (.24)	-1.10	.14
Democracy	-.04 (.01)	-4.01	.0001	-.04 (.01)	-3.24	.0001	.12 (.01)	8.91	.0001
Military Control	.06 (.08)	.76	.22	.19 (.10)	1.92	.03	.21 (.09)	2.26	.01
Leftist Regime	-.12 (.14)	-.86	.20	-.08 (.17)	-.47	.32	-.55 (.15)	-3.55	.0001
British Colonial Experience	-.04 (.08)	-.49	.31	.17 (.10)	1.69	.05	-.11 (.08)	-1.30	.10
Economic Development	-.01 (.00)	-3.48	.0001	-.01 (.01)	-5.39	.0001	.02 (.00)	3.50	.0001
Population	.08 (.02)	3.69	.0001	.13 (.02)	5.39	.0001	-.10 (.02)	-4.62	.0001
Constant	-.06 (.32)	-.18	.43	-.99 (.38)	-2.62	.08	2.35 (.38)	6.17	.0001
<i>N</i> =391	R^2 = .83			R^2 = .76			R^2 = .90		
	Log Likelihood= -112.18			Log Likelihood= -179.28			Log Likelihood= -146.41		
	χ^2 = 1981.64			χ^2 = 1246.17			χ^2 = 3666.26		
	$p > .00001$			$p > .00001$			$p > .00001$		

+Freedom House Civil Rights have been inverted so that higher scores equal higher levels of rights.

*Main entries are unstandardized OLS coefficients, generated using STATA 5.0. The robust standard errors, which were used to control heteroscedasticity are in parentheses.

Figure 2.1: Constitutional Protections in 1976-1996: Individual Protections

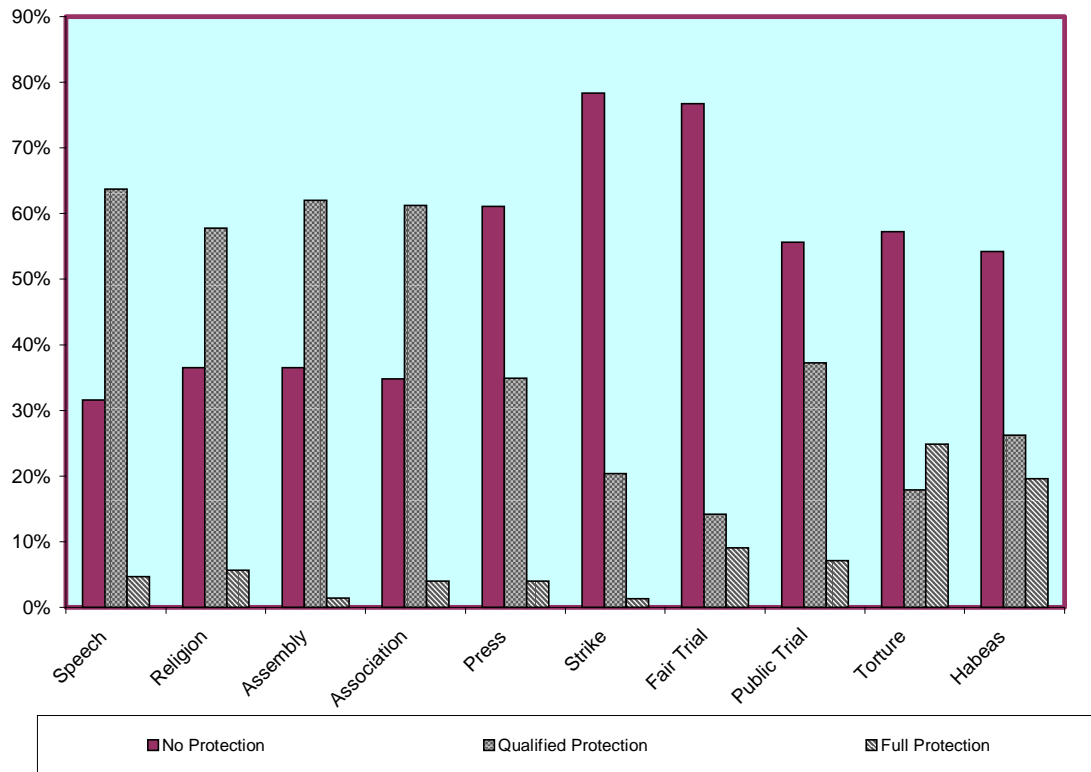


Figure 2.2: Constitutional Protections in 1976: Individual Protections

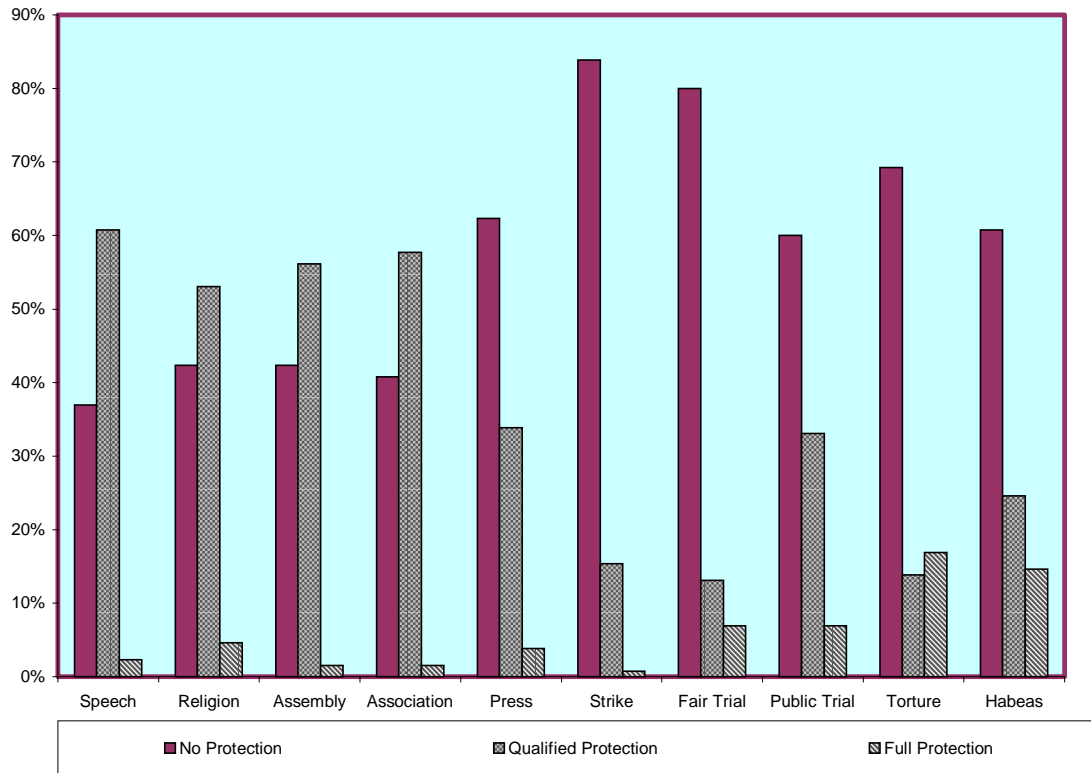


Figure 2.3: Constitutional Protections in 1996: Individual Protections

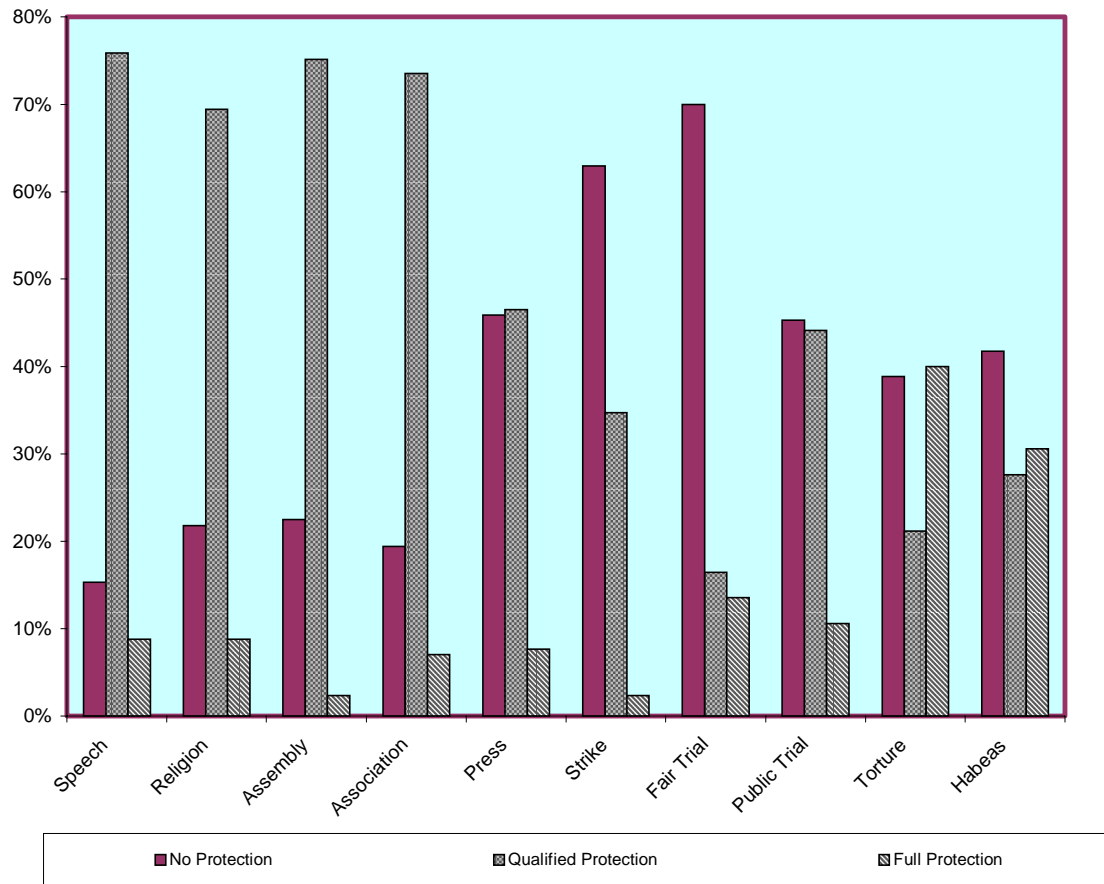


Figure 2.4: Bill of Rights Index: A Comparison of 1976 and 1996

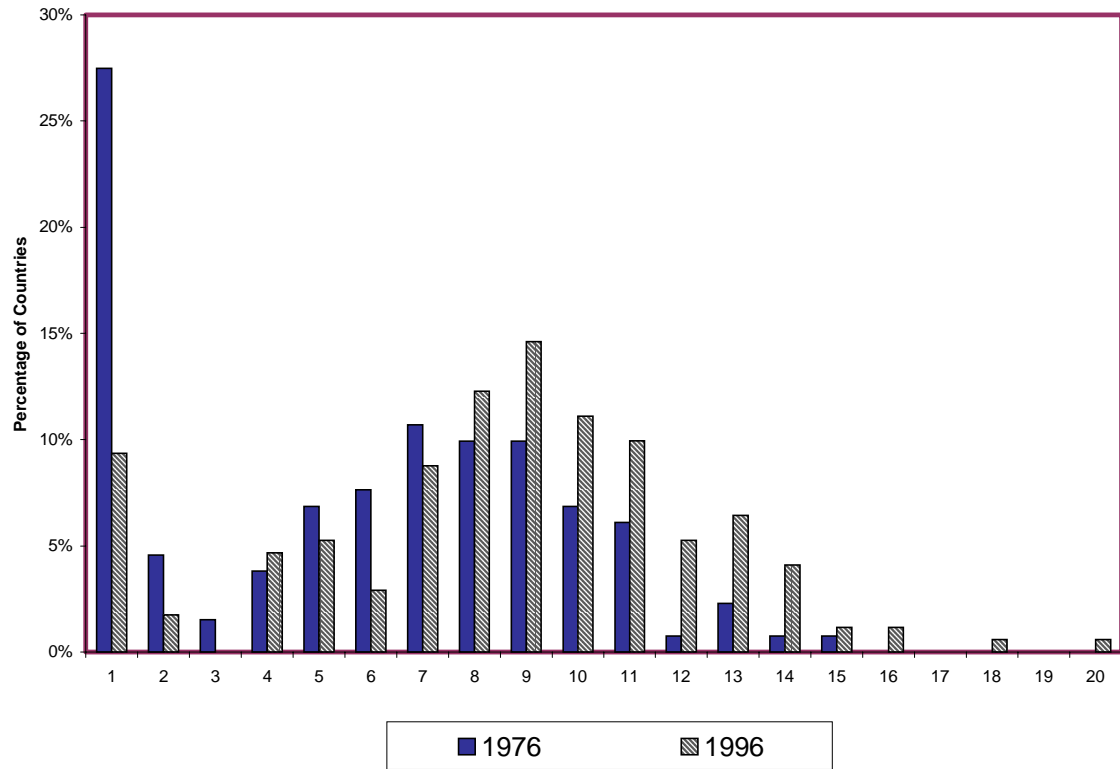
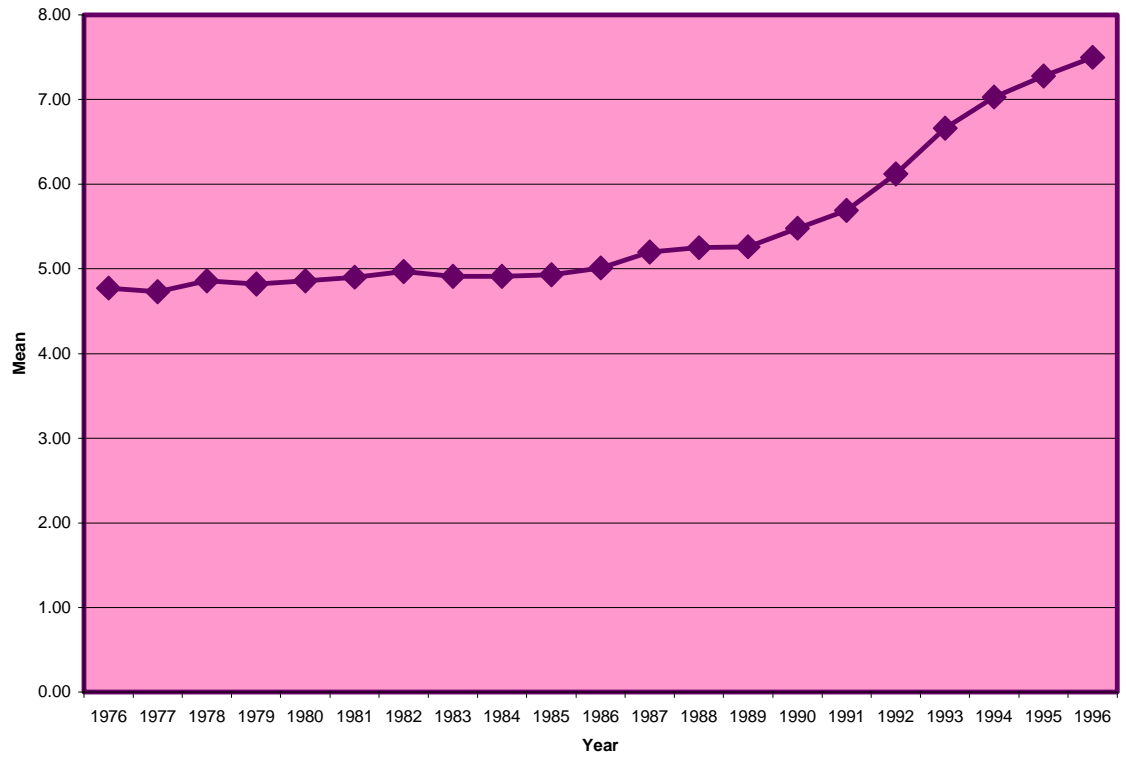


Figure 2.5: Bill of Rights Index 1976-1996



**Figure 2.6 Overtime Effects for State Department Model using Freedom House-
Restricted Data**

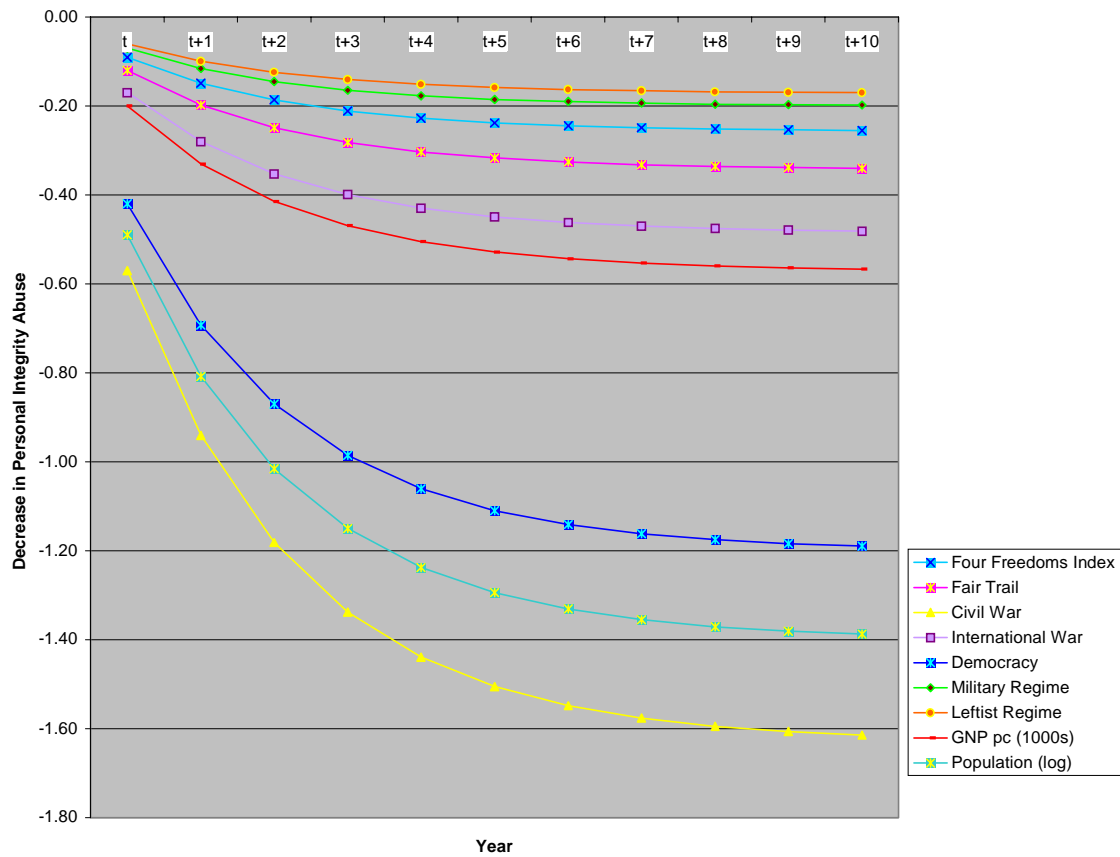


Figure 2.7 Overtime Effects for the Civil Rights Model

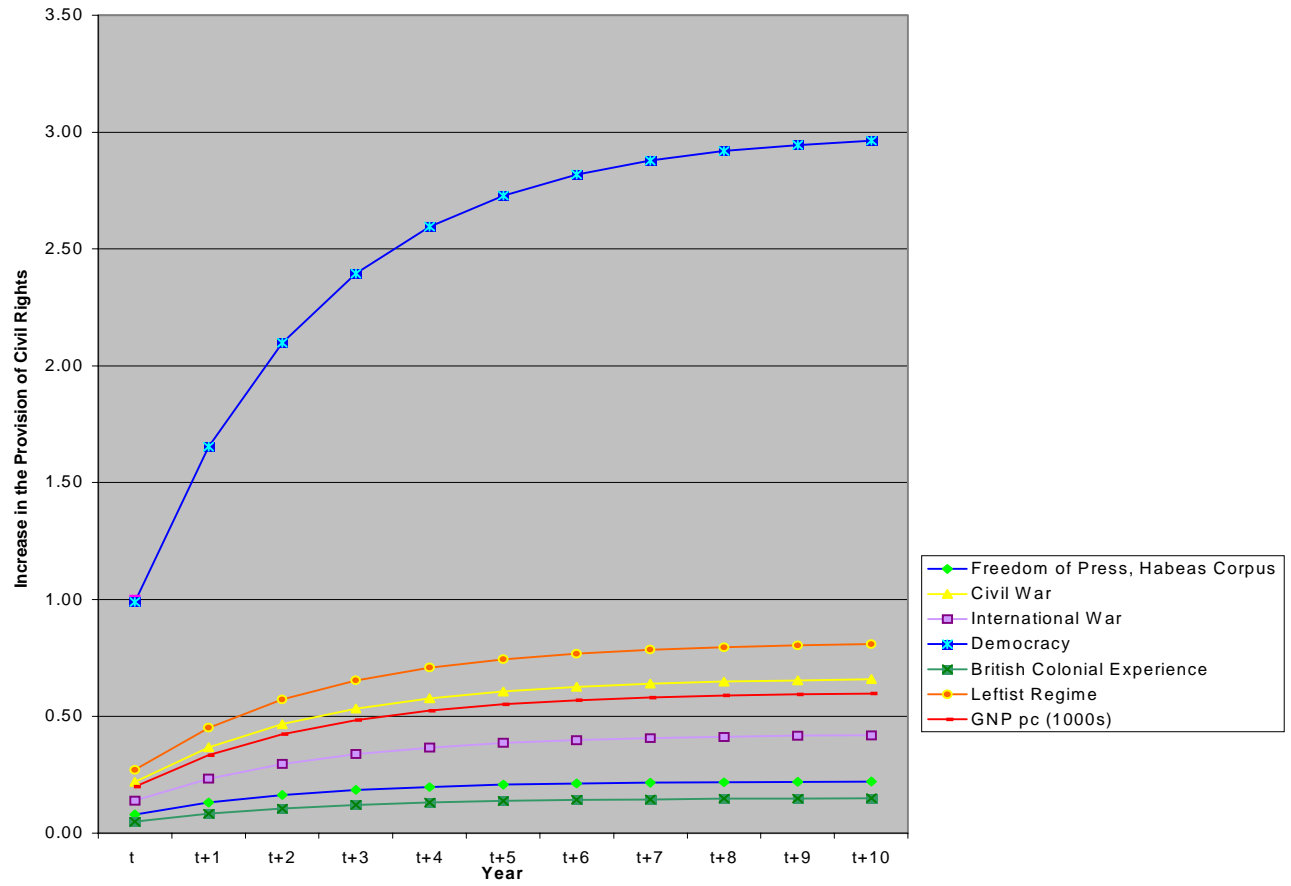


Figure 3.1: 1976-1996 Constitutional Protections: Judicial Independence

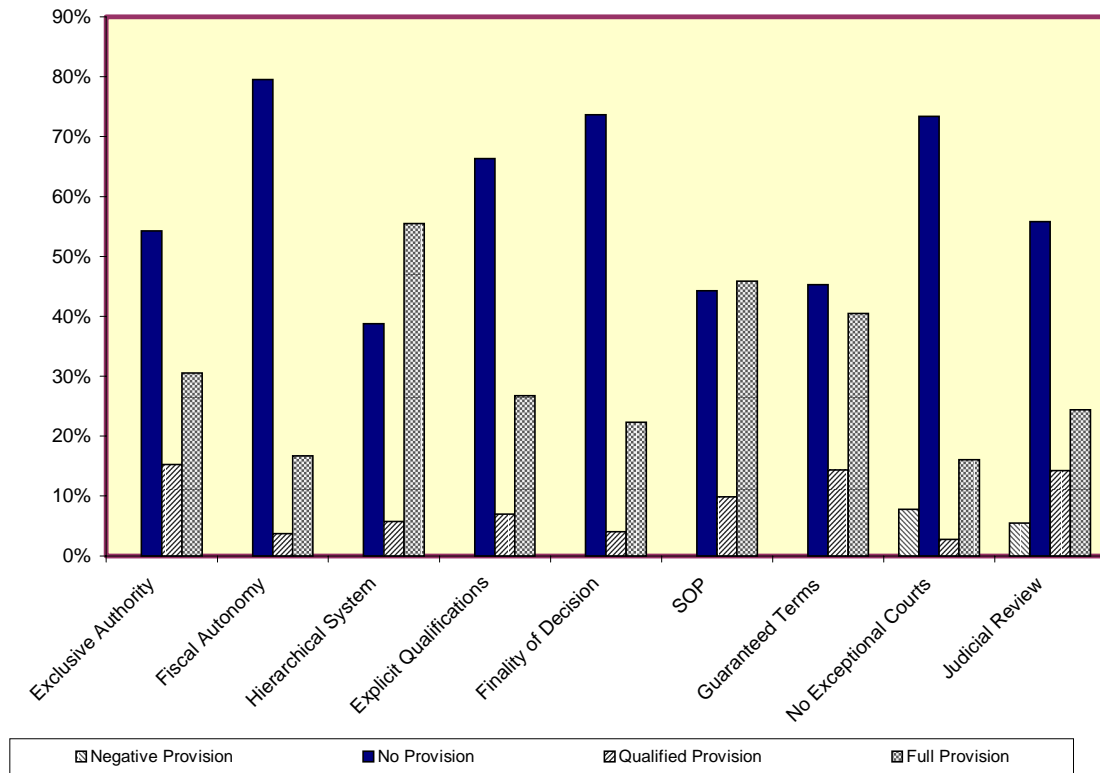


Figure 3.2: 1976 Constitutional Protections: Judicial Independence

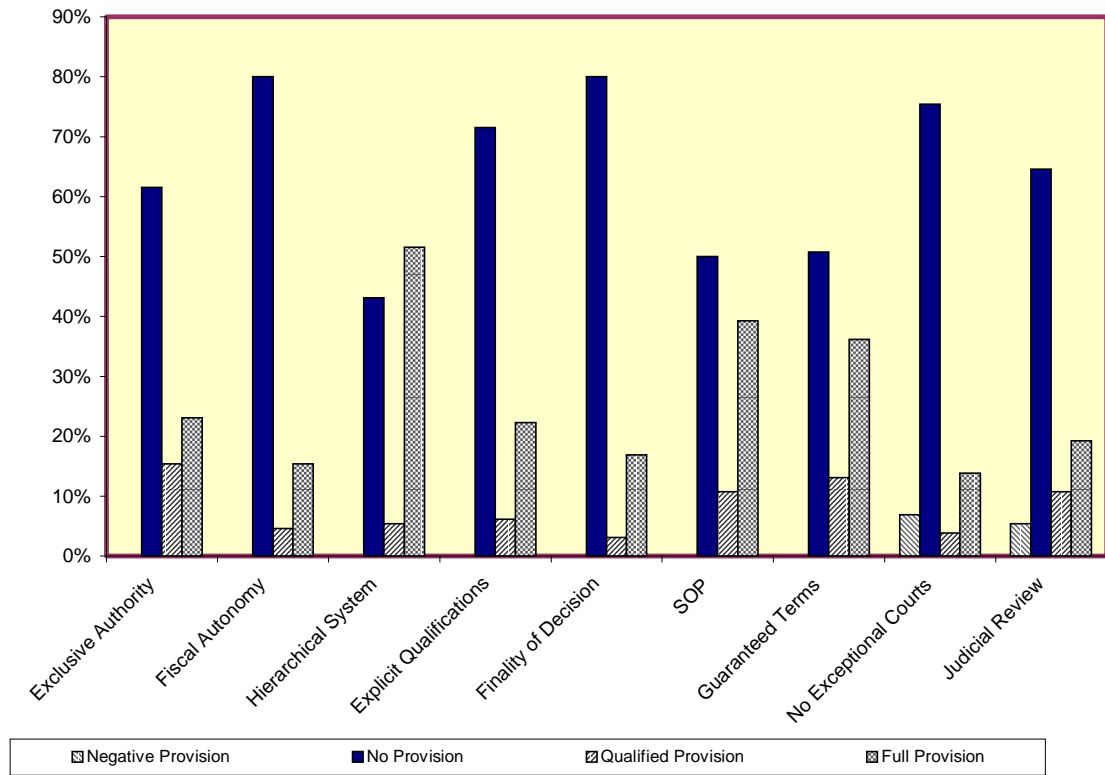


Figure 3.3: 1996 Constitutional Protections: Judicial Independence

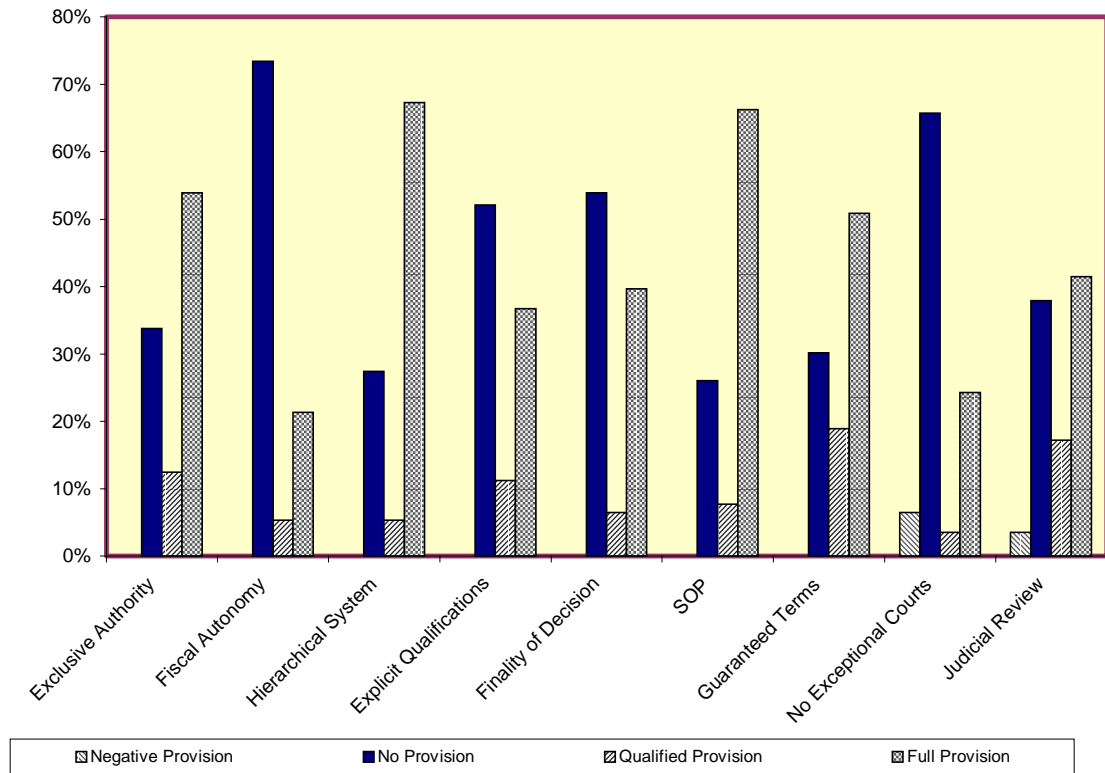


Figure 3.4: Judicial Independence Index: Comparison of 1976 and 1996

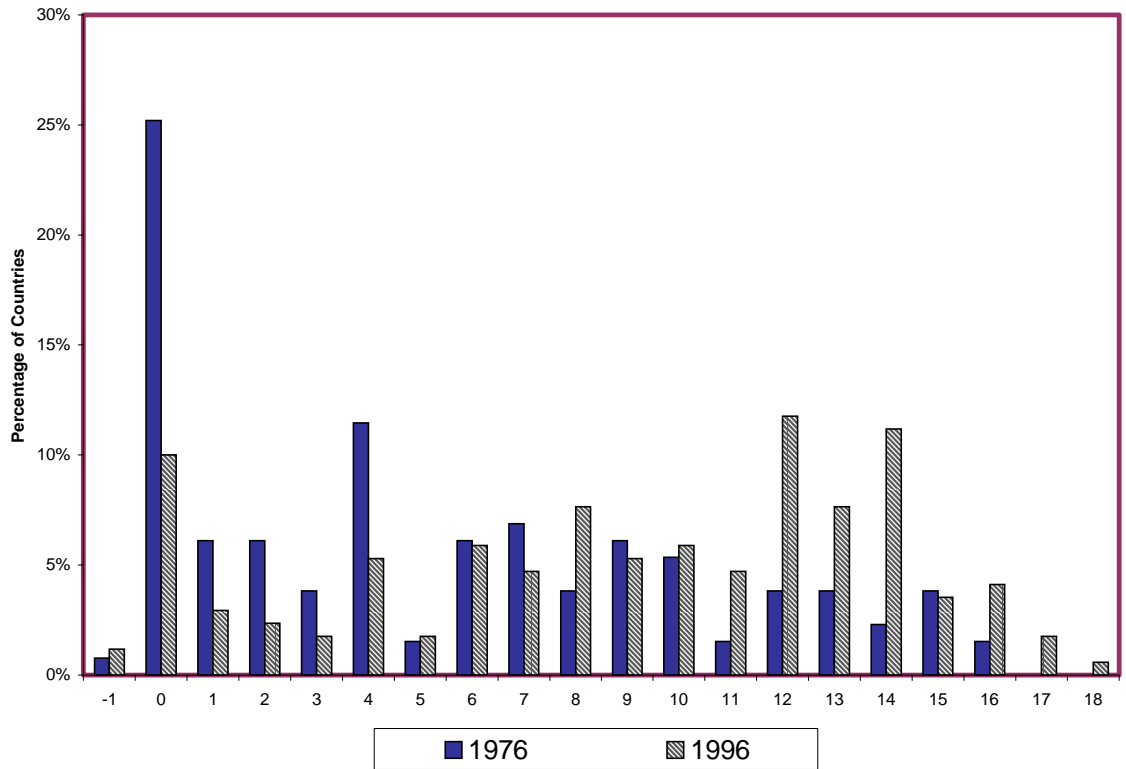


Figure 3.5: Judicial Independence Index: 1976-1996

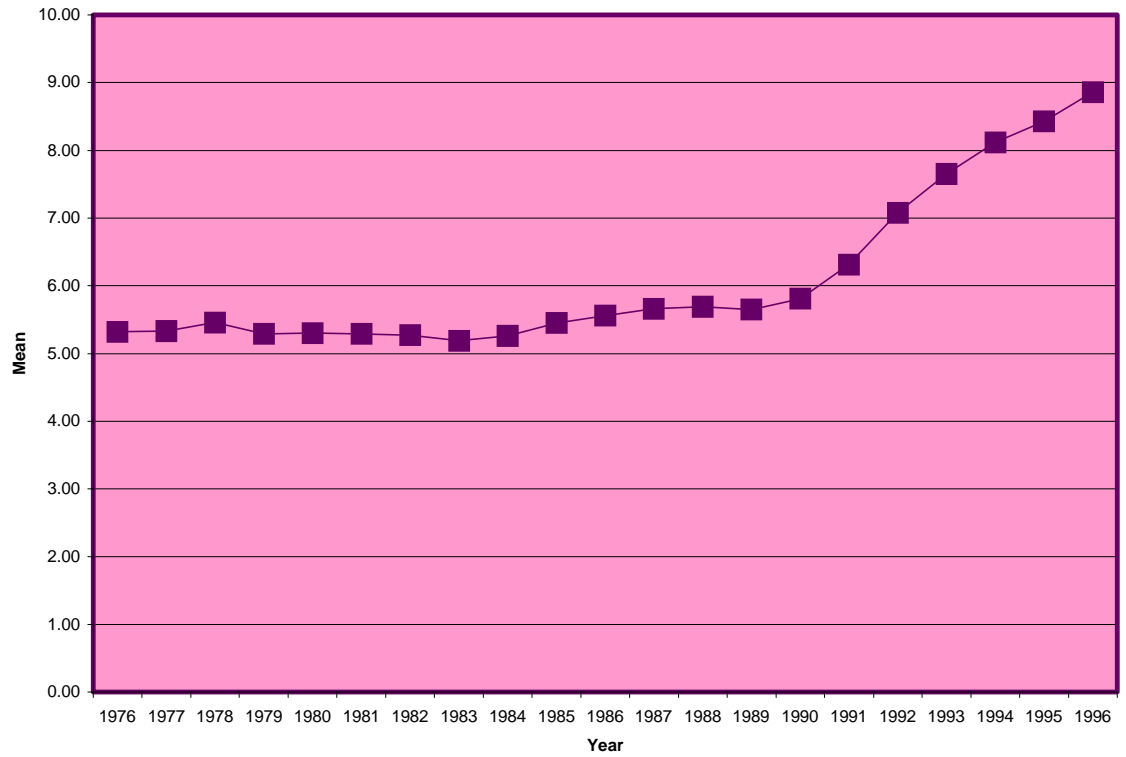


Figure 3.6: Overtime Effects - Amnesty International Model using Polity III- Restricted Data

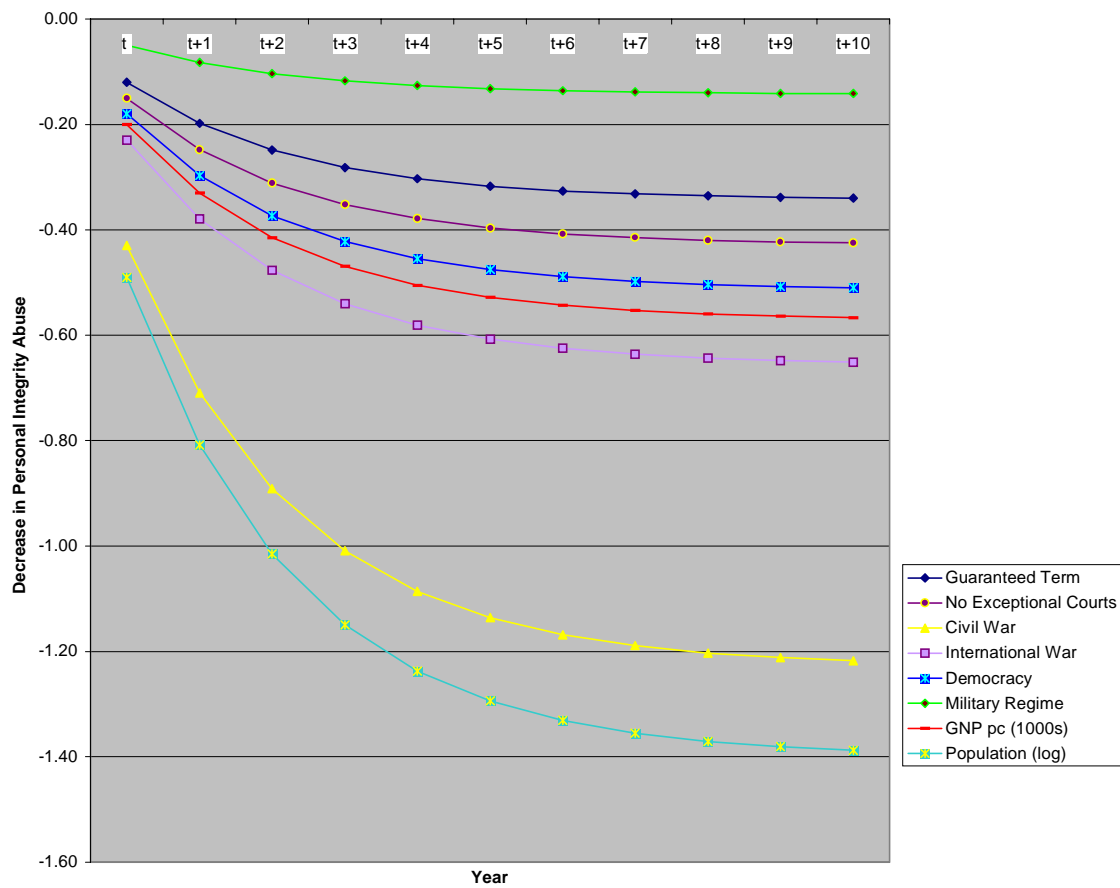


Figure 3.7: Overtime Effects - Civil Rights Model

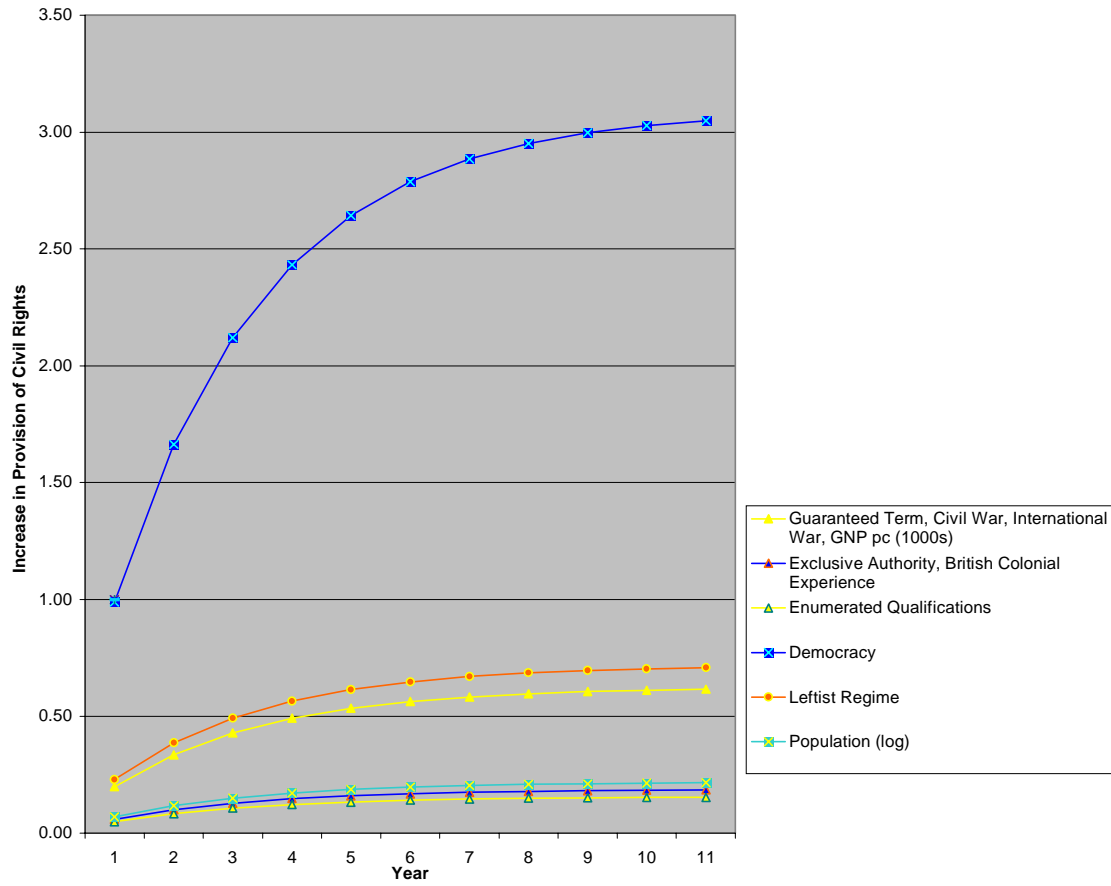


Figure 4.1: Constitutional Provisions in 1976-96 - States of Emergency

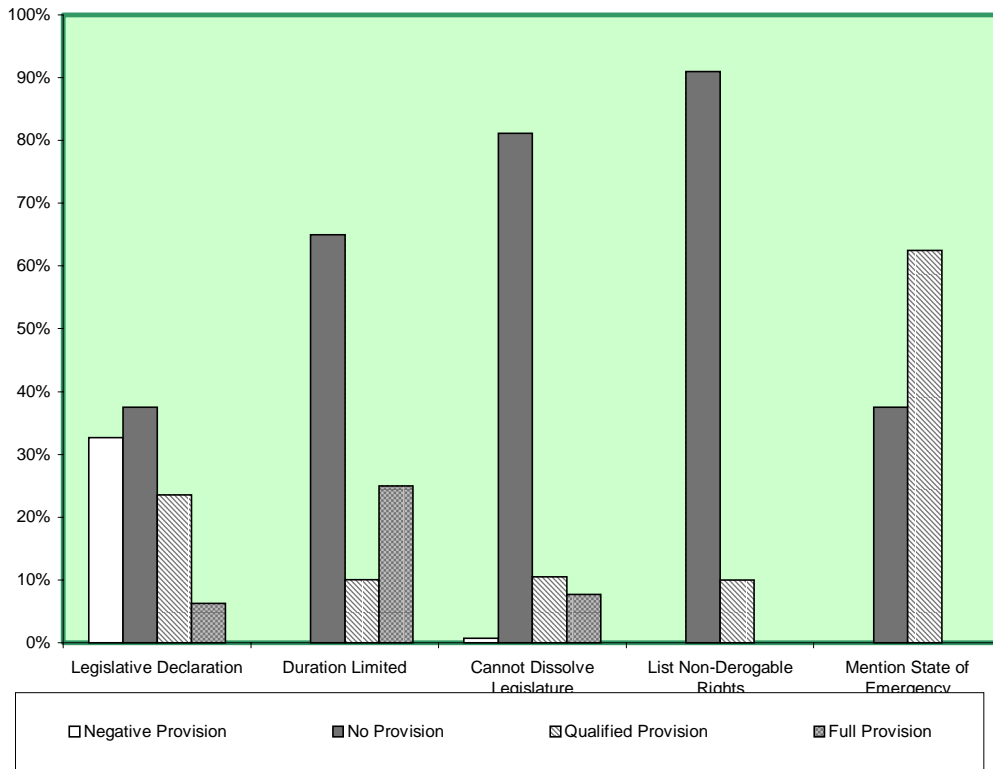


Figure 4.2: Constitutional Provisions in 1976: States of Emergency

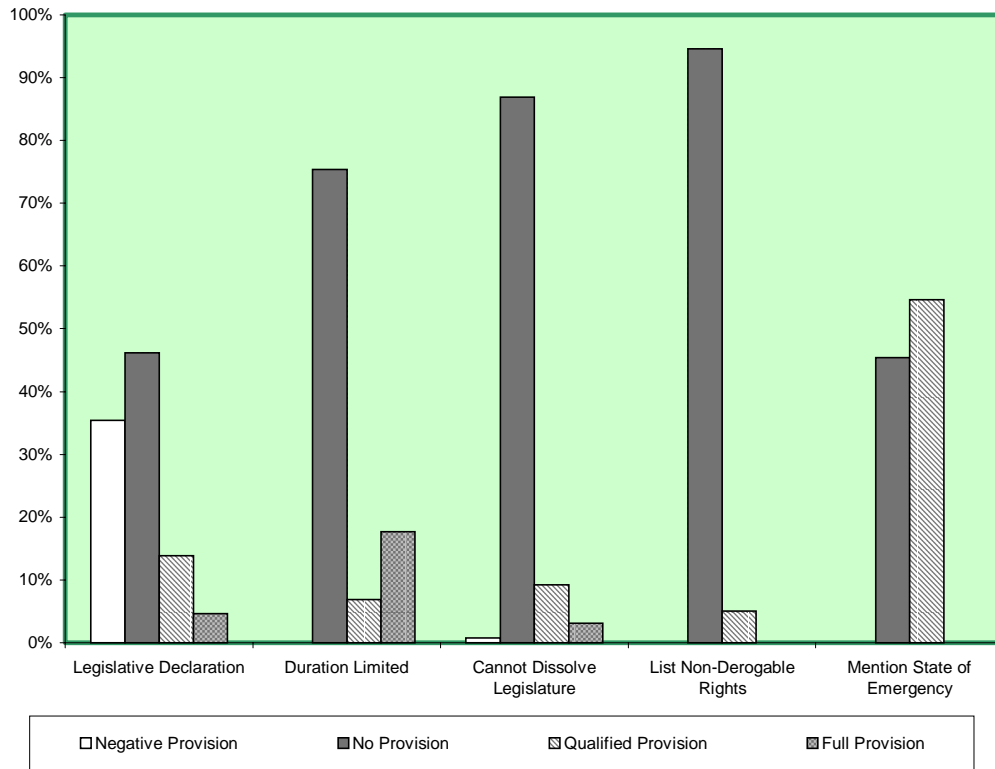


Figure 4.3: 1996 Constitutional Provisions: States of Emergency

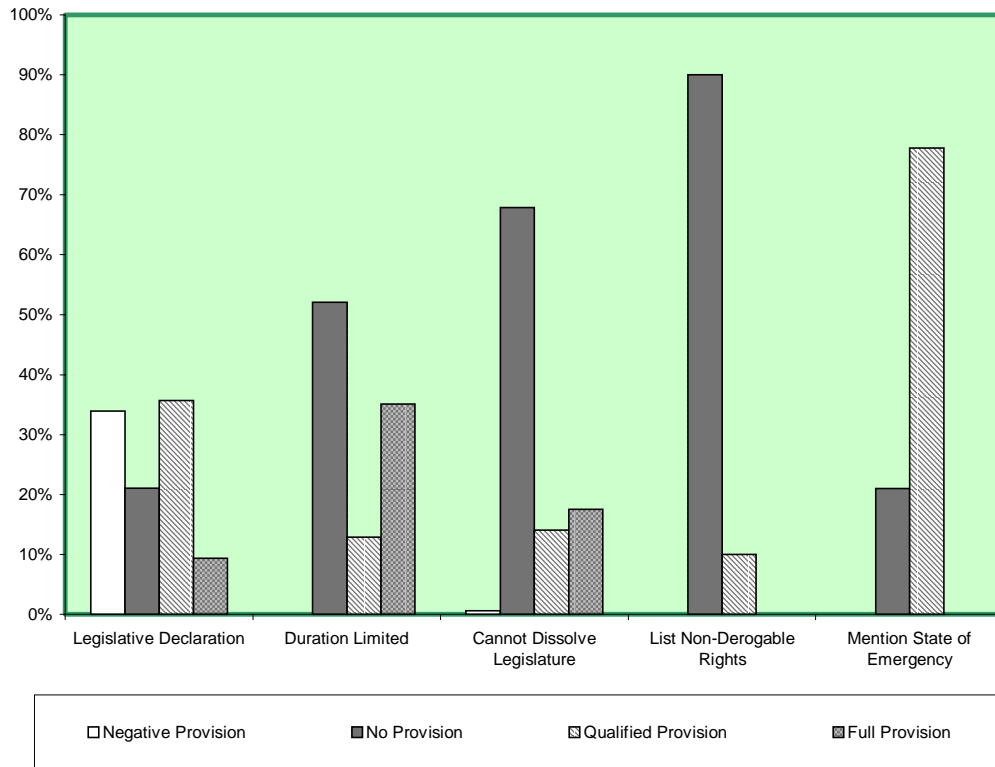


Figure 4.4: Constitutional Emergency Clause Index: Comparison of 1976 and 1996

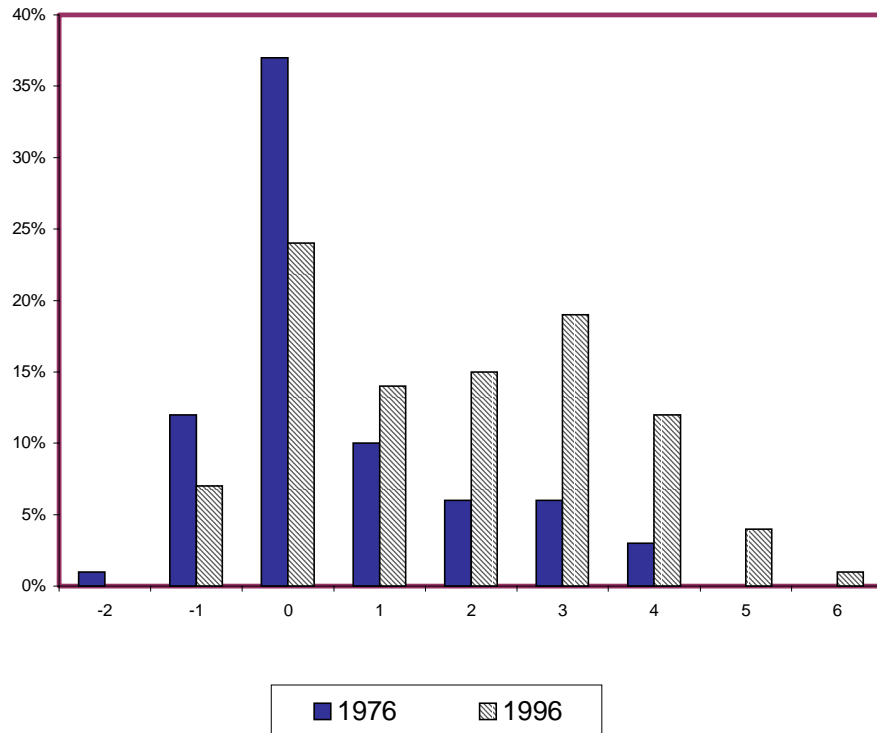


Figure 4.5: Emergency Index: 1976-1996

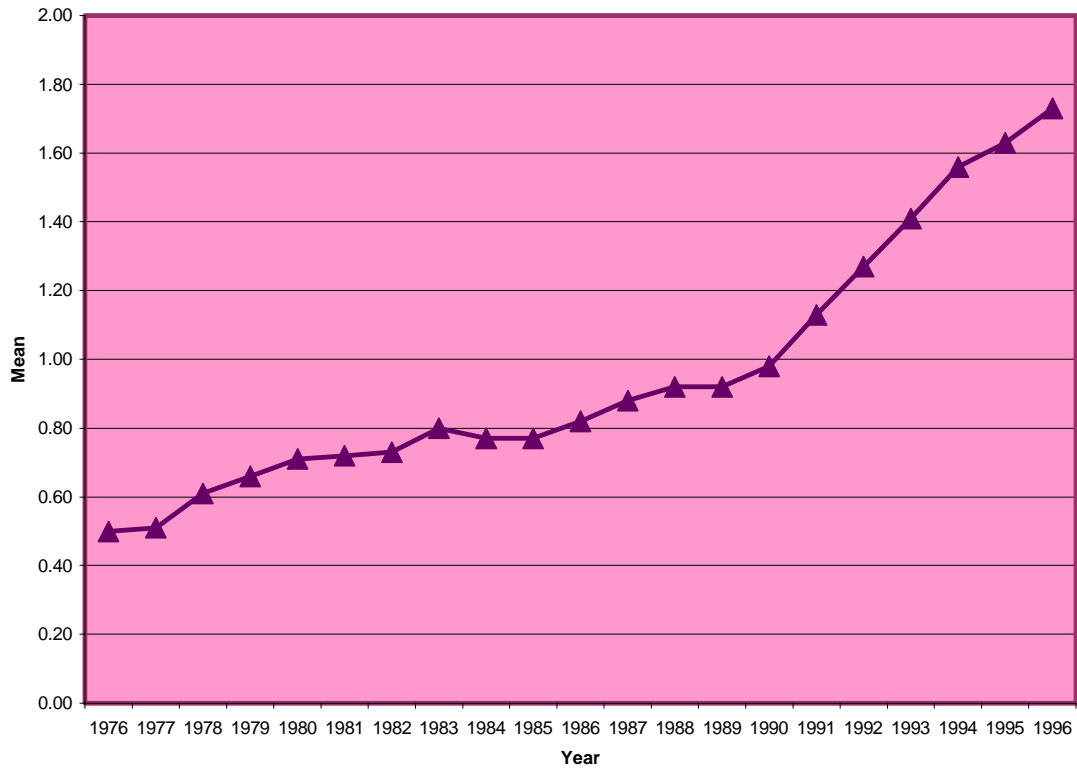


Figure 4.6: Overtime Effects - State Department Model using Polity III-Restricted Data

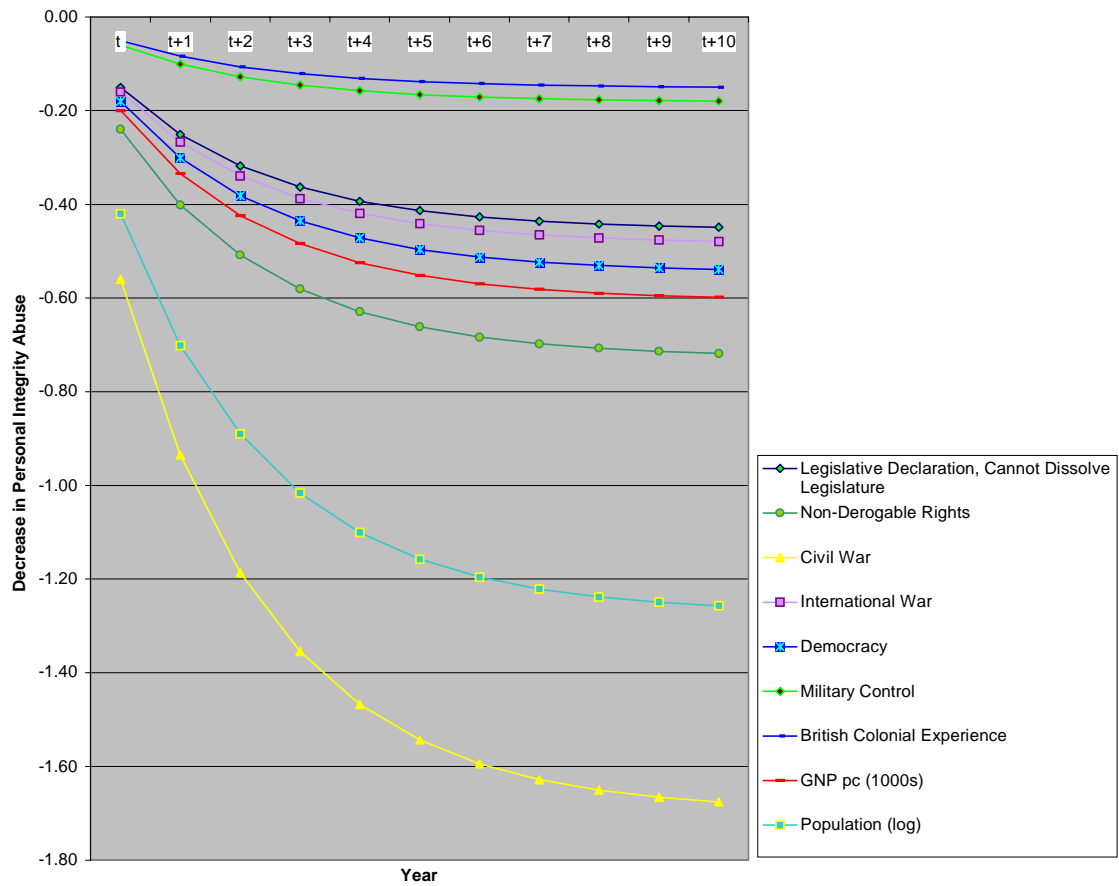


Figure 4.7: Overtime Effects - State Department Model Using the Polity III-restricted Data

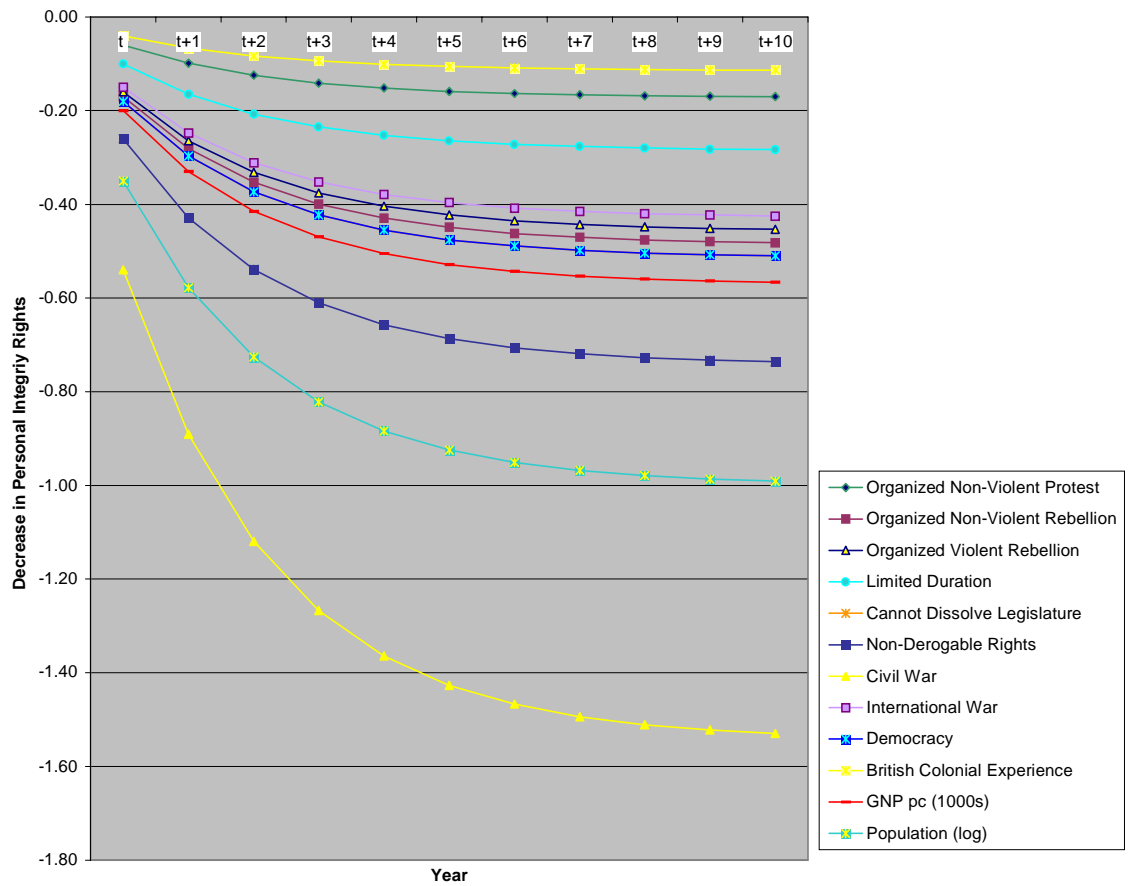


Figure 5.1: Overtime Effects - Civil Rights Model

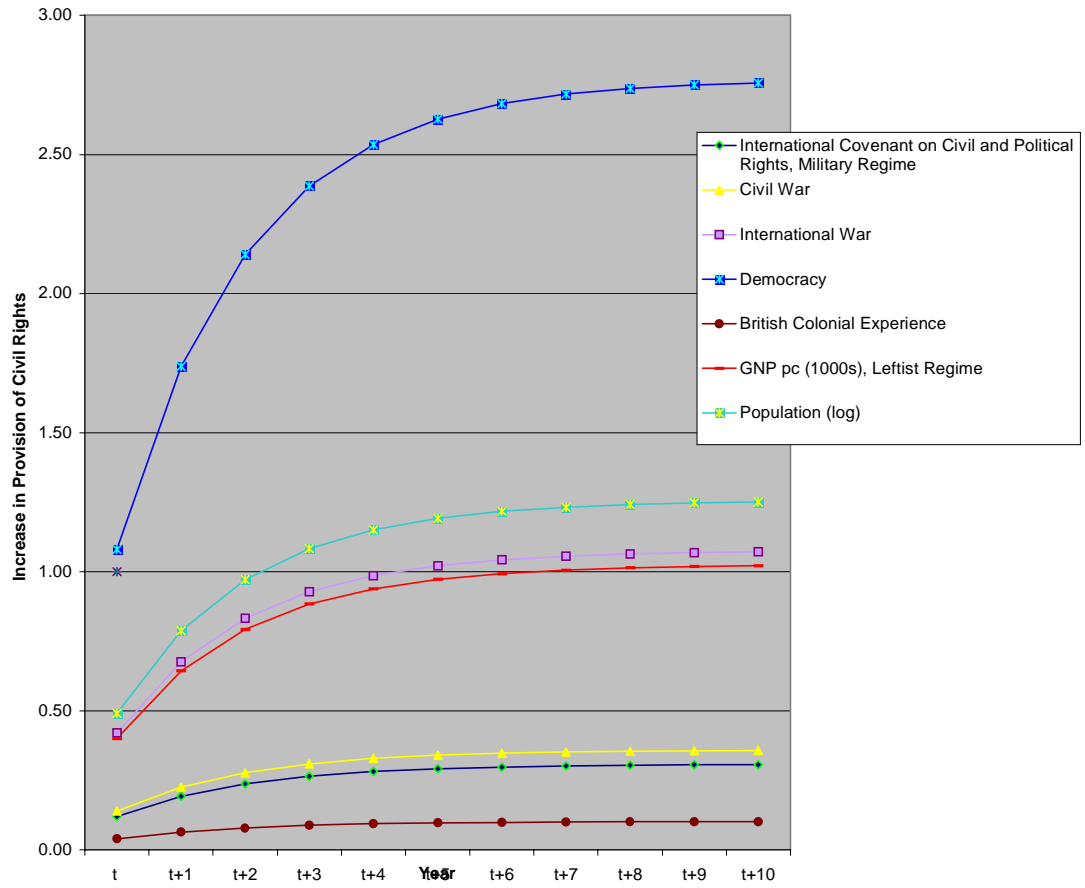


Figure 6.1: Overtime Effects - State Department Model using Freedom-House Restricted Data

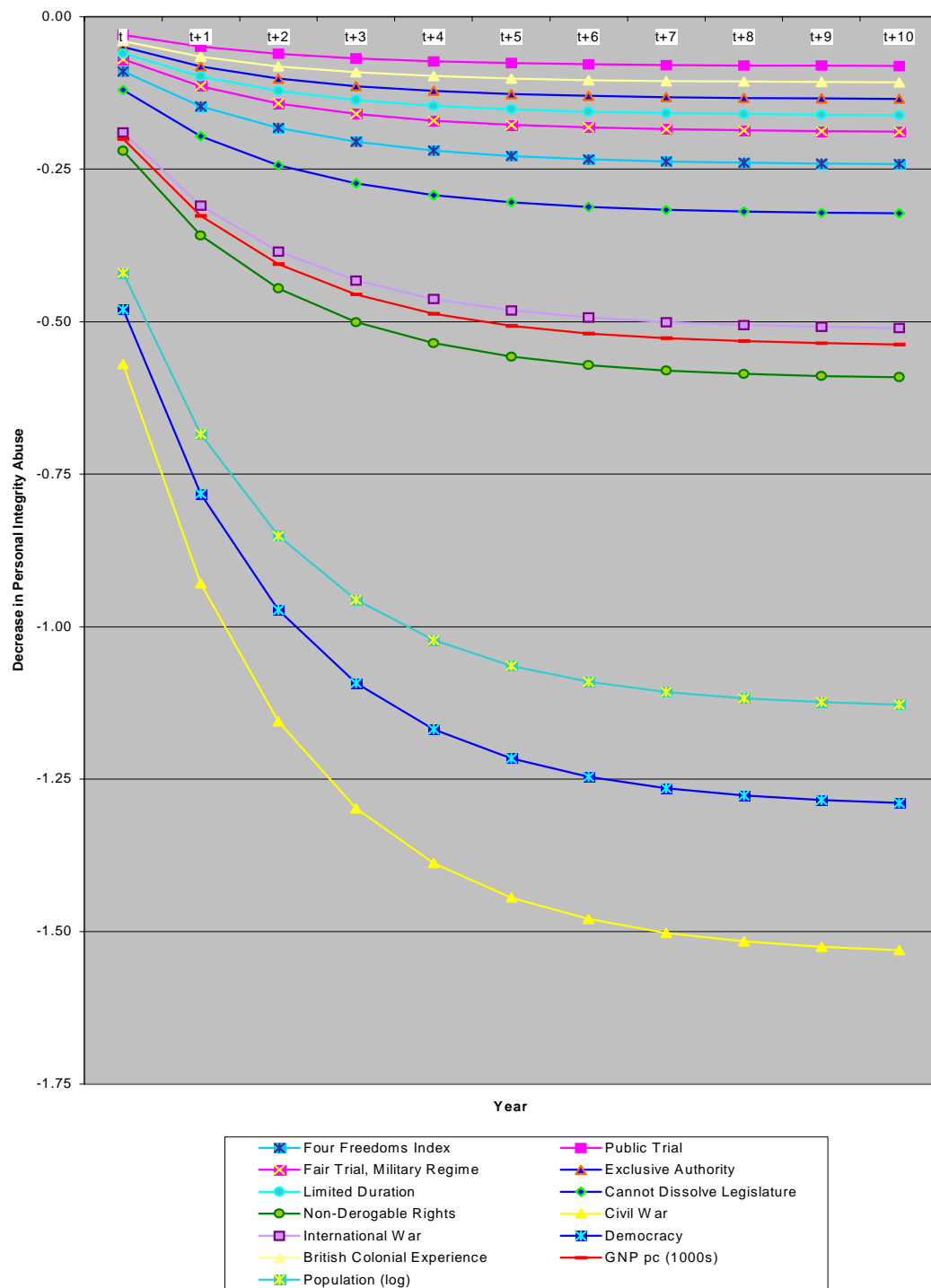


Figure 6.2: Overtime Effects - Amnesty International Model using Freedom House-Restricted Data

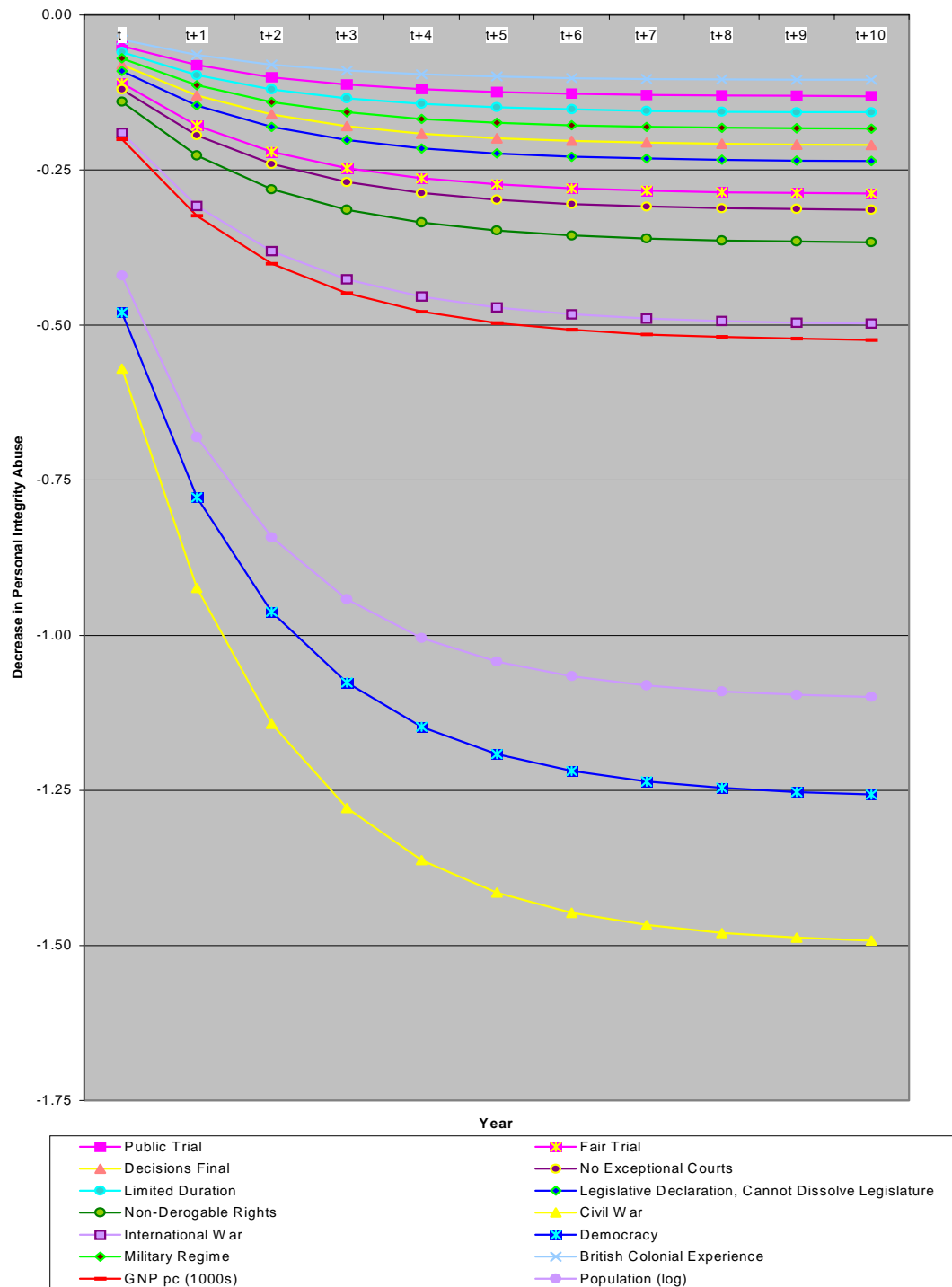


Figure 6.3: Overtime Effects - State Department Model using the Freedom House-Restricted Data

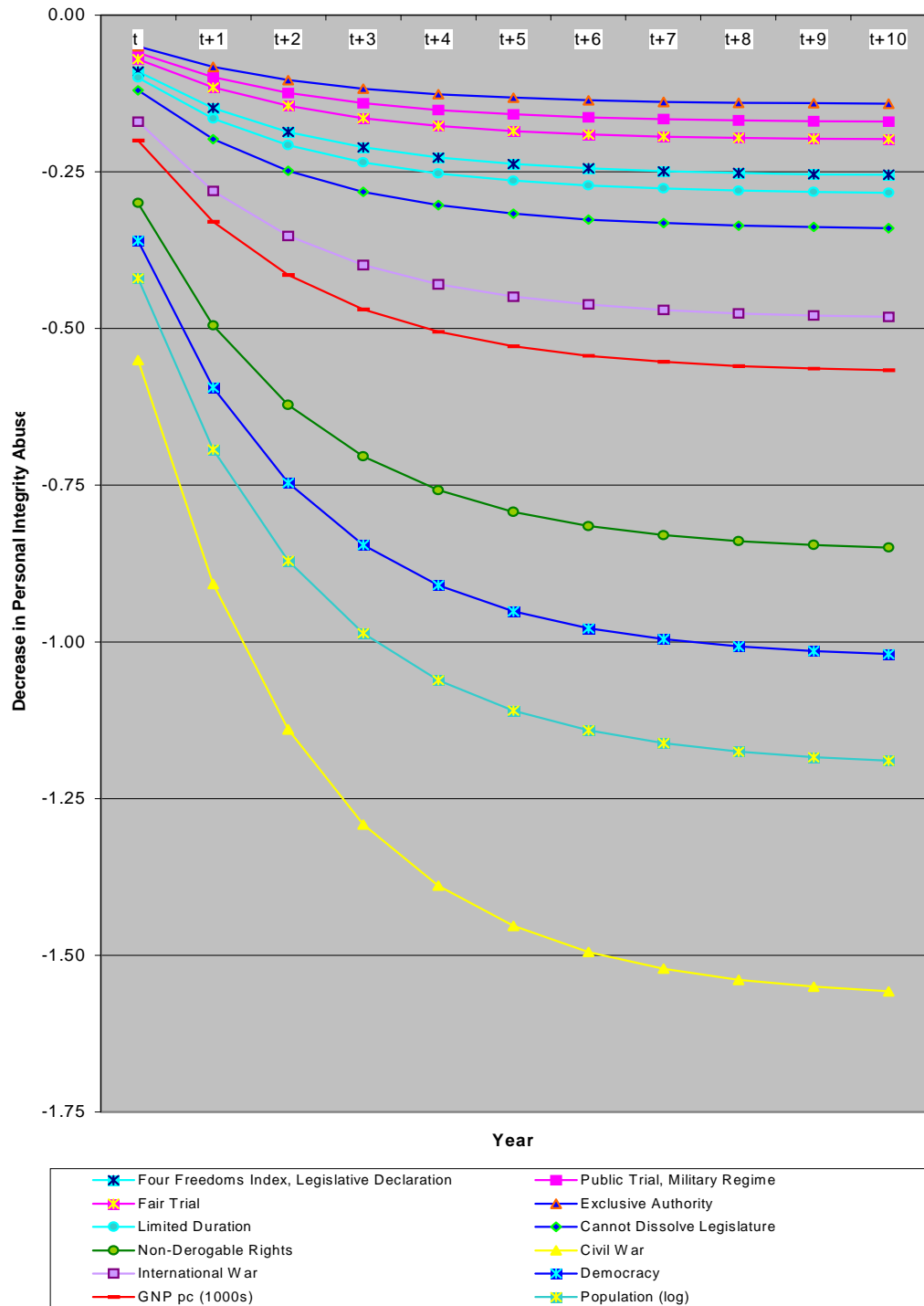


Figure 6.4 Overtime Effects - Amnesty International Model using Polity III- Restricted Data

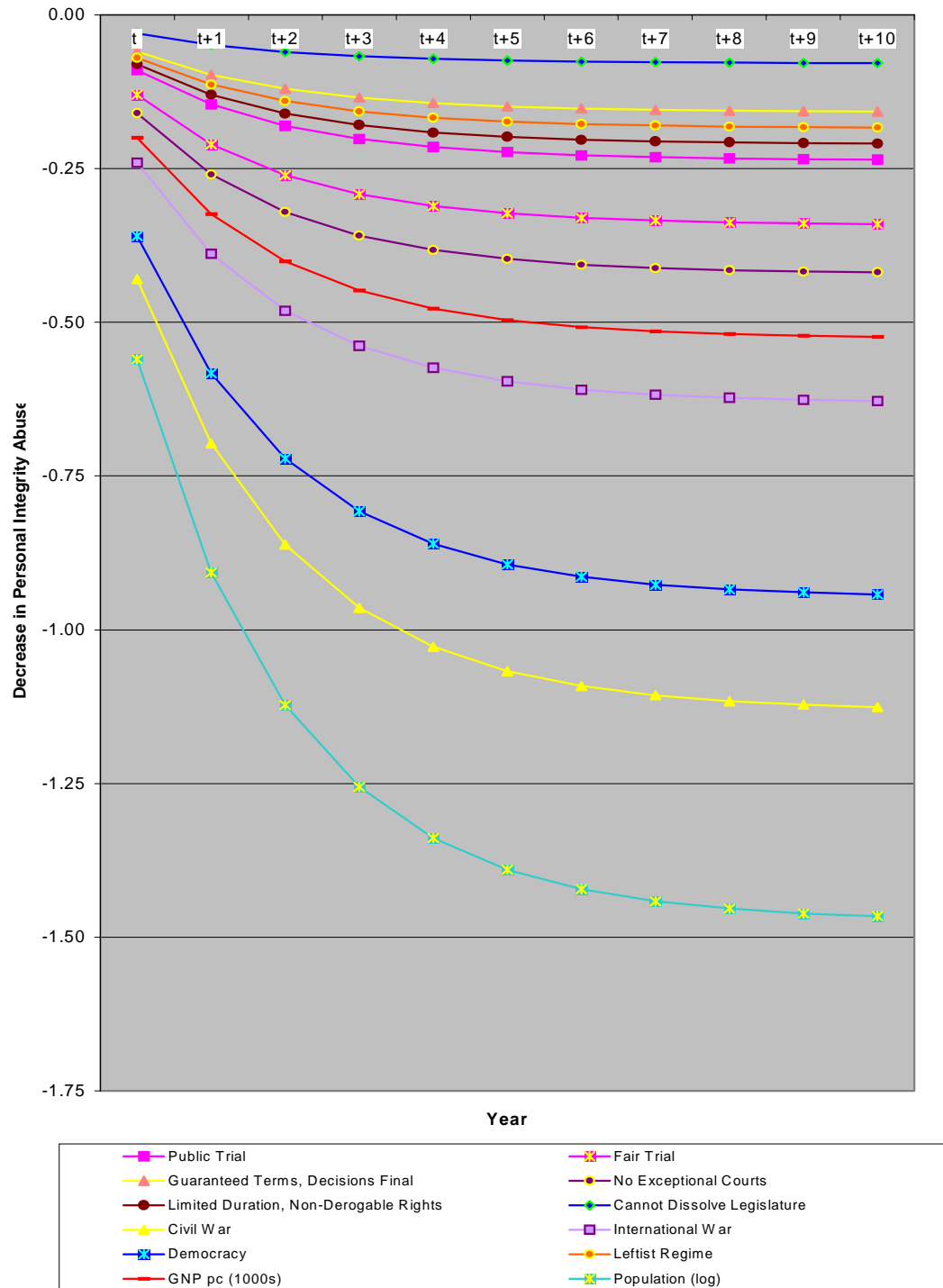
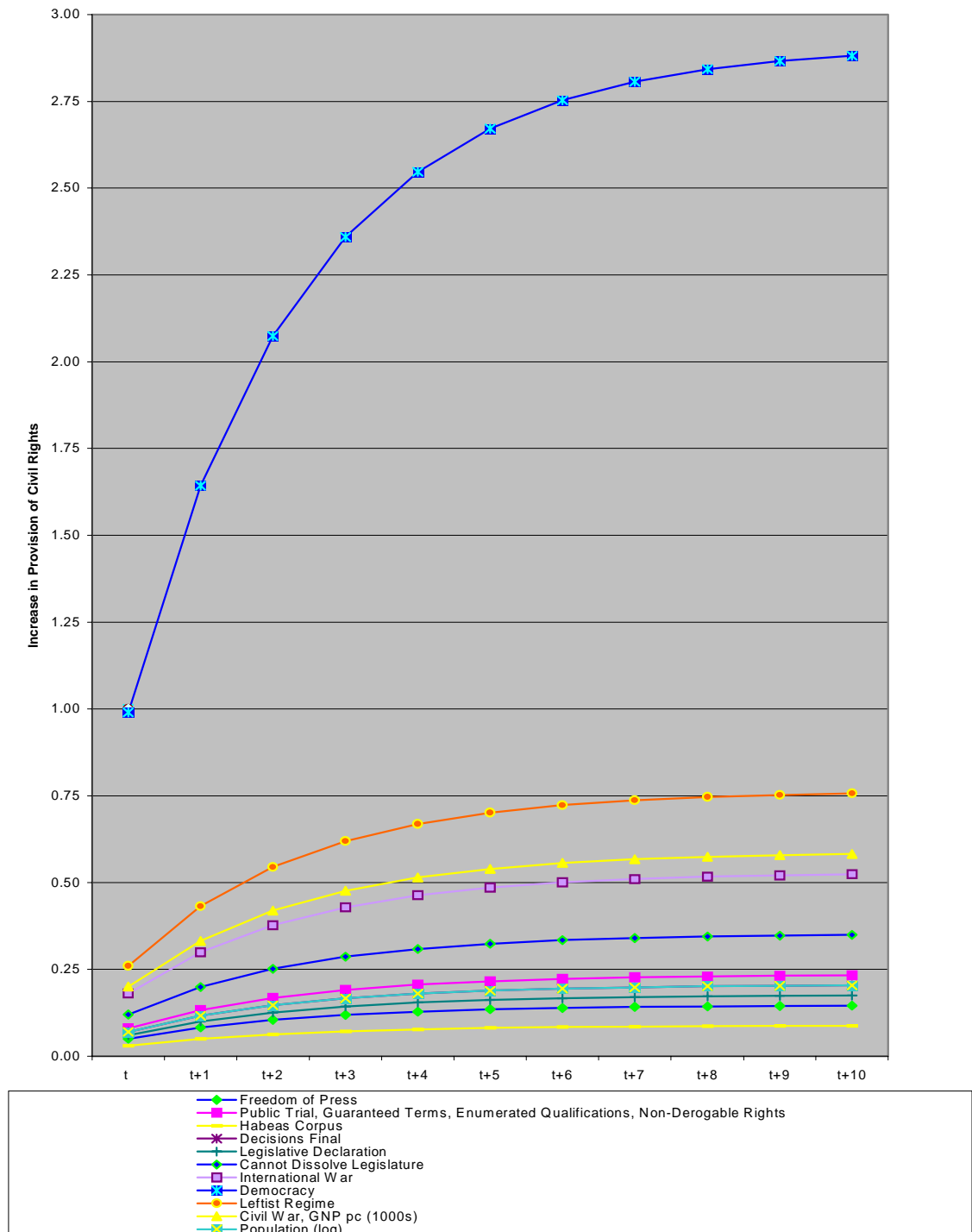


Figure 6.5: Overtime Effects - Civil Rights Model



**Appendix A. States Adhering to the International Covenant on Civil and Political
Rights of 31 December 1996**

(date of ratification, accession, or succession in parentheses)

Afghanistan(1983)	Ecuador(1969)	Libya(1970)
Albania(1991)	Egypt(1982)	Lithuania(1991)
Algeria(1989)	El Salvador(1979)	Luxembourg(1983)
Angola(1992)	Equatorial Guinea ... (1987)	Madagascar(1971)
Argentina(1986)	Estonia(1991)	Malawi(1993)
Armenia(1993)	Ethiopia(1993)	Mali(1974)
Australia(1980)	Finland(1975)	Malta(1990)
Austria(1978)	Former Yugoslav	Mauritius(1973)
Azerbaijan(1992)	Republic of Macedonia(1994)	Mexico(1981)
Barbados(1973)	France(1980)	Mongolia(1974)
Belarus(1973)	Gabon(1983)	Morocco(1979)
Belgium(1983)	Gambia(1979)	Mozambique(1993)
Belize(1996)	Georgia(1994)	Namibia(1994)
Benin(1992)	Germany(1973)	Nepal(1991)
Bolivia(1982)	Grenada(1991)	Netherlands(1978)
Bosnia/Herzegovina.(1993)	Guatemala(1992)	New Zealand(1978)
Brazil(1992)	Guinea(1978)	Nicaragua(1980)
Bulgaria(1970)	Guyana(1977)	Niger(1986)
Burundi(1990)	Haiti(1991)	Nigeria(1993)
Cambodia(1992)	Hungary(1974)	North Korea(1981)
Cameroon(1984)	Iceland(1979)	Norway(1972)
Canada(1976)	India(1979)	Panama(1977)
Cape Verde(1993)	Iran(1975)	Paraguay(1992)
Central African Rep. (1981)	Iraq(1971)	Peru(1978)
Chad.....(1995)	Ireland(1989)	Philippines(1986)
Chile(1972)	Israel(1991)	Poland(1977)
Colombia(1969)	Italy(1978)	Portugal(1978)
Congo(1983)	Jamaica(1975)	Republic of Korea ... (1990)
Costa Rica(1968)	Japan(1979)	Republic of Moldova (1993)
Cote d'Ivoire(1992)	Jordan(1975)	Romania(1974)
Croatia(1992)	Kenya(1972)	Russia(1973)
Cyprus(1969)	Kuwait(1996)	Rwanda(1975)
Czech Republic(1993)	Kyrgyzstan(1994)	St. Vincent and the
Denmark(1972)	Latvia(1992)	Grenadines(1981)
Dominica(1993)	Lebanon(1972)	San Marino(1985)
Dominican Republic .(1978)	Lesotho(1992)	Sao Tome and Principe

.....(1995)	Sweden(1971)	United States(1992)
Senegal(1978)	Switzerland(1992)	Uruguay(1970)
Seychelles(1992)	Syrian Arab Republic (1969)	Uzbekistan.....(1995)
Sierra Leone(1996)	Tanzania(1976)	Venezuela(1978)
Slovakia(1993)	Thailand.....(1996)	Vietnam(1982)
Slovenia(1992)	Togo(1984)	Yemen(1987)
Somalia(1990)	Trinidad and Tobago (1978)	Yugoslavia(1971)
Spain(1977)	Tunisia(1969)	Zaire(1976)
Sri Lanka(1980)	Uganda(1995)	Zambia(1984)
Sudan(1986)	Ukraine(1973)	Zimbabwe(1991)
Suriname.....(1976)	United Kingdom(1976)	

Source: *Multilateral Treaties Deposited with the Secretary-General, Status as of 31 December 1993*

While this appendix only lists states parties for the period under study, a current list is reported by the United Nations at

http://www.un.org/Depts/Treaty/final/ts2/newfiles/part_boo/iv_boo/iv_4.html.

**Appendix B. States Adhering to the Optional Protocol to the International Covenant
on Civil and Political Rights as of 31 December 1996**

(date of ratification, or accession in parentheses)

Algeria(1989)	Gambia(1988)	St. Vincent and the(1981)
Angola(1992)	Georgia.....(1994)	Grenadines(1985)
Argentina.....(1986)	Germany(1993)	San Marino(1985)
Armenia(1993)	Guinea(1993)	Senegal(1978)
Australia(1991)	Guyana(1993)	Seychelles(1992)
Austria(1987)	Hungary(1988)	Sierra Leone(1996)
Barbados(1973)	Iceland(1979)	Slovakia(1993)
Belarus(1992)	Ireland(1989)	Slovenia(1993)
Belgium(1994)	Italy(1978)	Somalia(1990)
Benin(1992)	Jamaica(1975)	Spain(1985)
Bolivia(1982)	Kyrgyzstan(1994)	Suriname(1976)
Bosnia and Herzegovina 1995)	Latvia.....(1994)	Sweden(1971)
Bulgaria(1992)	Libya(1989)	Togo(1988)
Cameroon(1984)	Lithuania(1991)	Trinidad and Tobago(1980)
Canada(1976)	Luxembourg(1983)	Uganda(1995)
Central African Republic(1981)	Madagascar(1971)	Ukraine(1991)
Chad(1995)	Malawi.....(1996)	Uruguay(1970)
Chile(1992)	Malta(1990)	Uzbekistan.....(1995)
Colombia(1969)	Mauritius(1973)	Venezuela(1978)
Congo(1983)	Mongolia(1991)	Zaire(1976)
Costa Rica(1968)	Namibia(1994)	Zambia(1984)
Croatia(1995)	Nepal(1991)	
Cyprus(1992)	Netherlands(1978)	
Czech Republic(1993)	New Zealand(1989)	
Denmark(1972)	Nicaragua(1980)	
Dominican Republic(1978)	Niger(1986)	
Ecuador(1969)	Norway(1972)	
El Salvador(1995)	Panama(1977)	
Equatorial Guinea.....(1987)	Paraguay.....(1995)	
Estonia(1991)	Peru(1980)	
Former Yugoslav Republic of Macedonia(1994)	Philippines(1989)	
Finland(1975)	Poland(1991)	
France(1984)	Portugal(1983)	
	Republic of Korea(1990)	
	Romania(1993)	
	Russia(1991)	

Source: *Multilateral Treaties Deposited with the Secretary-General, Status as of 31 December 1993*

While this appendix only lists states parties for the period under study, a current list is reported by the United Nations at http://www.un.org/Depts/Treaty/final/ts2/newfiles/part_boo/iv_boo/iv_5.html.

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¹. The list of parties to the covenants do not completely overlap. Two states have joined the ICESC but not the ICCPR: Guinea Bissau and the Solomon Islands. Five states have joined the ICCPR but not the ICESC: Belize, Haiti, Mozambique, Thailand, and the United States.

² Boli-Bennett's measure of human violations is taken from an unpublished manuscript by Winona Hubrecht. It appears to be a simple categorization based on Amnesty International reports (the categories do not conform to any of the published variations I have seen).

³ Negative sanctions are "censorship and limitation of the media political restrictions upon individual citizens and political parties."

⁴.See Beck and Katz (1995, 1993) for a more complete description and justification of this approach. The inclusion of this variable is not only statistically justified but also theoretically justified since it has been shown that regimes tend to use past decisions as a baseline for present decisions (Wildavsky 1984).

⁵. Political scientists have used other measures that are judged to be less appropriate for this analysis than the measures I have chosen. Several studies have used Taylor and Jodice's (1983) negative sanctions measure (Hibbs 1973, Muller 1985; Davis and Ward 1990; Alfatooni and Allen 1991; Davenport 1995, 1996; Blasi and Cingranelli 1994, 1995). While these data would offer the advantage of particularly long timeframe (1948-82), the 35-year time frame would only encompasses seven years during which the covenant is in force and would entirely exclude the post Cold War period. More

importantly, these data are events counts, and as Stohl et al. (1986) note, a count of reported actions may not give a valid rating of the overall or general human rights abuse since such a measure cannot take into account unreported events or the fact that the effectiveness of past repression may eliminate the need for future abuse (p. 597).

Political scientists have developed two other standards-based measures of personal integrity rights. Mitchell and McCormick (1988) and McCormick and Mitchell (1988 and 1989) use 5-point ordinal scales to measure separately two dimensions of political repression: 1) the frequency of political imprisonment and 2) the frequency of torture and killing (as reported in Amnesty International reports). Mitchell and McCormick choose to analyze the dimensions separately because they believe that incorporating different dimensions of behavior into a single measure "inadequately captures the substantive difference" in the behaviors (p. 484). While this approach seems to present an advantage over studying a multi-dimensional measure, it has a serious flaw in that measuring the dimensions separately does not take into account that these behaviors are substitutable policy options (see Most and Starr 1989, p. 97-132). For example, regime decisionmakers that choose to kill their political opposition will not likely need to imprison them. Additionally, this measure does not take into account other behaviors that may also be substitutable for imprisonment--such as disappearances. And as Poe and Tate (1994) point out, Mitchell and McCormick's two separate dimensions probably stem from the same single dimension: the "regime's willingness to repress its citizens when they are considered a threat" (p. 855).

Regan (1995) and Gartner and Regan (1996) measure five separate dimensions of political repression: disappearances, torture, arbitrary arrests, political prisoners, and political killings (as reported in Amnesty International reports). Each dimension is coded on a 4-point ordinal scale and then summed into an index. This measure is also flawed because of possibility of policy substitutability. For example, a country which engages in political killings and disappearances rather than imprisonment may receive the worst ranking on killings (3) and disappearances (3). However, the high level of repression precludes the need for the state to engage in the other dimensions of repression, thus the state may earn zeros on the arbitrary arrests, political imprisonment, and torture scales. In such circumstances the state would earn a total score of 6. At the same time another country may regularly make arbitrary arrests (3) and political imprisonment (3) but never commit the more egregious acts of torture and killing, thus earning a zero in these behaviors--for a total score of 6. Obviously, these identical scores would NOT be measuring the same level of repression.

⁶. It should be noted that when we discuss the Freedom House freedoms indices that the measures are counter-intuitive in that the states with the highest level of freedoms receive the lowest scores. This coding makes the discussion of this variable in the context of empirical analysis somewhat complicated. Some political scientists have dealt with this problem by inverting the variable so that the states with the highest level of freedom receive the highest score (Poe and Tate 1994; Poe, Tate, and Keith 1999). The indices will be inverted in this analysis.

⁷. He uses the following weights:

Authority Coding	Scale Weight
Competitiveness of Political Participation:	
Competitiveness	3
Transitional	2
Factional	1
Competitiveness of Executive Recruitment:	
Election	2
Transitional	1
Openness of Executive Recruitment (only if competitiveness is "election" or "transitional"):	
Dual: election	1
Election	1
Constraint on Chief Executive:	
Executive parity or subordination	4
Intermediate Category	3
Substantial Limitations	2
Intermediate Category	1

⁸. These include regimes “with either a civilian as the chief executive and several military persons in the cabinet or military head of government who nominated a civilian as the head of government and himself worked behind the scenes” (Madani 1992, p. 61).

⁹ It is possible that the presence of a leftist regime will *decrease* the probability of the *more severe* form of abuse (personal integrity rights abuse), but that it will *increase* the likelihood of the *less severe* form of abuse (of civil rights), as measured by the Freedom House index.

¹⁰ When coding the constitutions I found close to a dozen constitutions that restricted the constitutional protection in such a way that the provision would not apply to political opposition. For example, in Algeria (1977-81) the promise of freedom of speech and assembly does not apply to speech/assembly against the revolutionary cause and in Albania the promise of freedom of speech, association, assembly, and press do not apply if there are in opposition to the socialist order. Since these clauses go well beyond public interest clauses, I have originally coded the variables as 0. I have flagged the variables so that I may adjust these codings as is necessary during my analysis.

¹¹ There has been some difficulty in accessing all of the old reports in this series. This publication is organized as series of loose-leaf binders in which the outdated materials are removed from the loose-leaf volumes and replaced by updated pages. Oceana Publications does not keep old copies and only one U.S. university had the foresight to keep the older copies. I have been able to borrow the volumes that Bryn Mawr had kept. Because they did not start their collection until around 1984, I was not able to get all old constitutions going back to 1976. Therefore I do have some missing years of constitutions, but relatively few, especially given that my data set contains 3738 country years. The early years of the data set (1976-79) already contain the most missing data on

the dependent variable. I will run a series of analysis on various time periods to check for problems from missing data.

¹²Henderson found a highly significant negative relationship between the abuse of personal integrity rights and a scale of democracy (based on Wesson's 1987 typology) that ranged from stable democracies, insecure democracies, partial democracies, limited authoritarianisms, and absolutisms. Poe and Tate's analysis also found a strong negative relationship between personal integrity abuse and two measures of political democracy: Freedom House's political rights measure and Vanhanen's (1990) measure of democratization. Hibbs studies a different conceptualization of political repression (Taylor and Jodice's negative sanctions [1983]) and still the strong negative relationship with democracy holds--in this case democracy was operationalized as elite electoral accountability. Davenport's analyses of the relationship between negative sanctions and Banks' (1992) political polyarch and pluralism measures have also supported the previous findings. Additionally, Davenport has found that the specific procedural guarantee of a free press also reduced the likelihood of negative sanctions.

¹³ The correlation coefficients between Gurr's measure and the Bill of Rights indices that will be discussed later were also within an acceptable range (.29 -35).

¹⁴ The correlation coefficients between the Freedom House political rights measure and the Bill of Rights indices that will be discussed later were also within an acceptable range (.38-43).

¹⁵.See Beck and Katz (1993) and Beck et al. (1993) for a more complete description and justification of this approach. The inclusion of this variable is not only statistically justified

but also theoretically justified since it has been shown that regimes tend to use past decisions as a baseline for present decisions (Wildavsky, 1984).

¹⁶ In this model British colonial experience is statistically significant at the .04 level but produces a coefficient that is signed in the wrong direction.

¹⁷ I examined one additional possibility--that there was not enough variation in the 10 measures of constitutional provisions to merit more than a dichotomous measure for each provision. I recoded the data where all 2s were coded 1. I achieved the same results with these dichotomous variables and thus chose to continue with my original coding.

¹⁸ The effect at time_t is the coefficient multiplied by the maximum variation possible. For example, the maximum amount Freedom House political rights measure can vary is six--going from a score of 1 to a score of 7 or vice versa. The effect of the changes at time_{t+1} is calculated by multiplying effect of the change at time_t by the coefficient for the lagged dependent variable and adding the effect of independent variable at time_{t+1}.

¹⁹ Obviously, an increase in population is the more likely scenario and it would be expected that such a sudden increase would produce a 1.39 increase in human rights abuse. But again, in order to compare the over-time effects side-by-side, we must base the impacts upon the same assumption--producing a decrease in human rights.

Unfortunately, the ease of comparison creates a somewhat theoretically implausible scenario with this variable.

²⁰ As I mentioned earlier, the separation of power variable was correlated with the other variables at the level that might be questionable, although the diagnostic tests were in the acceptable range. I ran the analysis of Tables 3.9 and 3.10 again, without the separation

of power variable. The results held in that none of the signs of the variables reversed. A couple of variables were slightly more statistically significant when not controlling for separation of power. I was satisfied to the leave as it was, but will continue to check the impact of the separation of power variable.

²¹ These results hold when the separation of power variable is removed from the model.

²² These results hold when the separation of power variable is removed from the model.

²³ Scholars have linked the failure of the constitutions to protect human rights during the state of emergency with failure of courts--an association that will be addressed later in this section

²²I also attempted to explore a few potentially interesting interactions between the states of emergency provisions and other constitutional provisions. However, the results turned out to be rather uninteresting. First, I was interested in the interaction between the list of non-derogable rights provision and the individual rights provisions. In theory the simultaneous provision for certain non-derogable rights should work together with the provision of individual, strengthening their influence on human rights behavior. Of course, in the analysis above we saw that the constitutional list of non-derogable rights actually increased human rights abuse, supporting the alternative hypothesis, so it might be that the derogation clause would actually negate the impact of the individual rights provisions. I attempted to test these interactions by creating a interactive measure for each of the individual provisions by multiplying the individual provision score by the constitutional provision score. The impact of the list variable was so overwhelming that the variables were too highly correlated to use in a multivariate model--correlations in the

high .70s and .80s. I created a similar interaction variable using the bill of rights index and list variable. The coefficients were all in positive rather than negative.

²⁵ I also tested the impact of the state of emergency index in Cold War and post-Cold War models. In the Cold War models of personal integrity, the index produced positive coefficients (.01 to .02) that significant at levels ranging from .09 to .004. In the civil rights model the index was not statistically significant. In the post-Cold War models, the index produced negative impacts that were statistically significant in the State Department models but not the Amnesty International models or the civil rights model. Again, this result is not surprising given the conflicting directions of its component parts.

²⁶ When I tested the emergency index the results that were reported in the previous endnote held.

²⁷ When I tested the emergency index the results that were reported in the previous endnote held.

²⁸ An earlier version of this chapter was published in the *Journal of Peace Research* 36 (Jan 1999): 95-118.

²⁹. As of July 1996, only 45 states had made this declaration under Article 41.

³¹. The list of parties to the covenants do not completely overlap. Two states have joined the ICESC but not the ICCPR: Guinea Bissau and the Solomon Islands. Five states have joined the ICCPR but not the ICESC: Belize, Haiti, Mozambique, Thailand, and the United States.

³¹. By January 1998, the Office of the High Commissioner for Human Rights had posted on its web-page (www.unhchr.org) a list of 94 countries that were currently delinquent in filing in total 137 reports.

³². Other delinquent states include Kenya and Mali which also have 3 reports overdue with one report each at least 10 years overdue. Jamaica has 2 overdue reports, one at least 10 years overdue. Guyana and the Democratic People's Republic of Korea has 2 overdue reports, one that is at least 9 years overdue.

³³. The Protocol requires that individual must have exhausted all domestic remedies and that there is not simultaneously another investigation of the complaint under another international procedure (Opsahl, 1995; Robertson, 1981).

³⁴. According the July 1996 Report of the Human Rights Committee, 716 communications against a total 51 countries had been received at that time.

³⁵. If a difference in the behavior of states parties and non-party states is observed, we will need to address the possibility that the direction of causality may be problematic since it is possible that the states that already respect human rights would be the most willing to join the treaty. If we do find a statistically significant difference, which holds up even in a multivariate model, then there are statistical tools to help deal with the concern over the direction of causality--for example, Granger causality tests (Freeman, 1983).

³⁶. The personal integrity measures cover the following rights which are included in the International Covenant on

Civil and Political Rights: 1) life, 2) liberty and security of person, and 3) protection against arbitrary arrest and detention.

³⁷.The Freedom House political rights index covers the following rights which are included in the International Covenant on Civil and Political Rights: 1) political participation, 2) self-determination, and 3) freedom of assembly and association. The Freedom House civil liberties index covers the following rights which are included in the covenant: 1) equality of rights without discrimination, 2) life, 3) liberty and security of person, 4) protection against slavery, 5) protection against torture and cruel and unusual punishment, 6) protection against arbitrary arrest and detention, 7) hearing before an independent and impartial judiciary, 8) protection of privacy, family, and home, 9) freedom of movement and residence, 10) marry and found a family, 11) freedom of thought, conscience and religion, 12) freedom of opinion, expression, and the press, 13) freedom of assembly and association, 14) free trade unions, and 15) equal protection of the law.

³⁸.The derogation clause in the Covenant on Civil and Political Rights has been used by states for prolonged periods of time, such as the nine year derogation period in which the United Kingdom (1976-1984) claimed the need to derogate their obligations to the covenant due to "campaigns of organized terrorism related to Northern Irish affairs which have manifested themselves in activities which have included murder, attempted murder, maiming, intimidation and violent civil disturbances and in bombing and fire-raising which have resulted in death, injury and widespread destruction of property" (the United Kingdoms derogation notification, as quoted in United Nations, 1987: 84). The derogations

clause has also been used for relatively short periods such as a two-week period in Panama when the state experienced "outbreaks of violence, clashes between demonstrators and units of defense forces, and incitement to violence by individuals and political groups resulting in personal injury and considerable material damage" (Panama's derogation notification, as quoted in United Nations 1987, 68).

³⁹. Only the Freedom House measure of Civil Rights is tested in a multivariate model since there is not a measure for the most important control variable, political democracy, that would be clearly independent of the dependent variable, Freedom House Political Rights.

⁴⁰ Each of the other previous analyses were also repeated separating out the two time periods. The original results held.